

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: LYNDEL TOPPIN,	:	Chapter 13
<i>Debtor.</i>	:	
	:	Case No. 18-13098-MDC

LYNDEL TOPPIN,	:	
<i>Movant</i>	:	
v.	:	Adv. Proc. No. 18-00137-MDC
	:	
JEWELL WILLIAMS, SHERIFF	:	
OF THE CITY OF PHILADELPHIA and	:	
ABDELDAYEM HASSAN a/k/a	:	
ABDELDYEM HASSAN,	:	
<i>Respondents</i>	:	

**DESIGNATION OF RECORD ON APPEAL AND
STATEMENT OF ISSUES TO BE PRESENTED PURSUANT TO FRBP 8009(a)**

Pursuant to Federal Rule of Bankruptcy Procedure 8009(a), Appellant, Lyndel Toppin hereby submits this designation of the record on appeal and statement of issues to be presented in connection with the appeal from the Order of the Bankruptcy Court granting Sheriff's Office Motion for Summary Judgment with respect to the Debtor's request for damages for emotional distress and granting Sheriff's Offices Motion for Directed Verdict (Adv. Docket No. 164), as follows:

DESIGNATION OF RECORD ON APPEAL

<u>Description of Document</u>	<u>Filing Date</u>	<u>Document No.</u>
Voluntary Petition, Schedules and Statements	5/8/18	Bk # 1
BNC Certificate of Mailing - Voluntary Petition	5/12/18	Bk # 6
Complaint	6/11/18	Bk # 14
Motion to Approve Debtors Motion for Appointment of Next Friend	7/2/18	Bk # 15
Order entered Granting Motion to Approve Next Friend. Barrington Whyte shall serve as Next Friend to permit him to testify on behalf of debtor, Lyndel Toppin.	7/10/18	Bk # 22
Order entered Granting Application to Employ PREDRAG FILIPOVIC, Esq. as Special Counsel.	7/26/2019	Bk # 88

<u>Description of Document</u>	<u>Filing Date</u>	<u>Document No.</u>
Transcript regarding Hearing Held on 8/21/2020 EMERGENCY MOTION FOR EXPEDITED CONSIDERATION OF PLAINTIFFS MOTION TO DISMISS ALL CLAIMS FOR RELIEF AGAINST DEFENDANT ABDELDAYEM HASSAN A/K/A ABDELDYEM HASSAN FILED BY LYNDEL TOPPIN REPRESENTED BY STEPHEN MATTHEW DUNNE. Transcribed by Writer's Cramp, Inc. 268 pages. The transcript may be viewed at the Bankruptcy Court Clerk's Office.	9/24/2020	BK # 125
Complaint	6/11/2018	Adv Pro # 1
Amended Complaint	6/15/18	Adv Pro # 3
Answer	7/19/18	Adv Pro # 7
Supplemental Authority	9/26/2018	Adv Pro # 22
Second Amended Complaint	10/24/18	Adv Pro # 29
Exhibit <i>A thru K</i> Filed by STEPHEN MATTHEW DUNNE on behalf of Lyndel Toppin	10/24/2018	Adv Pro # 30
Answer to Second Amended Complaint Filed by Jewell Williams.	11/21/2018	Adv Pro # 37
Pre-Trial Order. Pre-Trial Conference scheduled 7/17/2019 at 11:00 AM at nix2 - Courtroom #2.	1/3/2019	Adv Pro # 42
Pre-Trial Scheduling Order. Pre-Trial Hearing scheduled 9/18/2019 at 11:00 AM at nix2 - Courtroom #2	2/14/2019	Adv Pro # 46
Pre-Trial Scheduling Order. Pre-Trial Conference scheduled 3/25/2020 at 11:00 AM at nix2 - Courtroom #2	7/18/2019	Adv Pro # 56
Motion For Summary Judgment Filed by Sheriff, Jewell Williams	12/26/19	Adv Pro # 71
Memorandum in Support of Motion For Summary Judgment Filed by Sheriff, Jewell Williams	12/26/19	Adv Pro # 72
Document in re: <i>Pretrial Disclosures</i> Filed by STEPHEN MATTHEW DUNNE on behalf of Lyndel Toppin	1/17/2020	Adv Pro # 88
Response to Motion for Summary Judgment filed by Defendant Jewell Williams Filed by Lyndel Toppin	2/5/2020	Adv Pro # 105
Brief <i>Reply Brief in Support of Summary Judgment</i> Filed by MEGAN N. HARPER on behalf of Jewell Williams	2/14/2020	Adv Pro # 112

<u>Description of Document</u>	<u>Filing Date</u>	<u>Document No.</u>
Affidavit Re: Sheriffs Efforts to Produce Employee Responsive to the Courts Order Filed by JOSHUA DOMER on behalf of Jewell Williams	3/12/2020	Adv Pro # 122
Supplemental Memorandum in Support of <i>Motion for Summary Judgment</i> Filed by MEGAN N. HARPER on behalf of Jewell Williams	4/6/2020	Adv Pro # 126
Supplemental Memorandum in Opposition to <i>Motion for Summary Judgment</i> Filed by STEPHEN MATTHEW DUNNE on behalf of Lyndel Toppin	4/6/2020	Adv Pro # 127
Order Governing Procedures At Trial Conducted Remotely By Videoconference on July 17,2020 2 10:30 A.M.	6/30/2018	Adv Pro # 128
Trial (related document(s)[1])re-scheduled for 8/21/2020 at 10:30 AM at nix2 - Courtroom #2.	7/14/2020	Adv Pro # 137
Order Governing Procedures at Trial Conducted Remotely by Video Conference .	7/29/2020	Adv Pro # 140
Document in re: <i>Remote Hearing Witness and Exhibit List</i> Filed by MEGAN N. HARPER on behalf of Jewell Williams	8/17/2020	Adv Pro # 147
Document in re: <i>Plaintiff's Remote Witness List</i> Filed by STEPHEN MATTHEW DUNNE on behalf of Lyndel Toppin	8/17/2020	Adv Pro # 148
Evidentiary Trial Held and Concluded	8/24/2020	Adv Pro # 153
Transcript regarding Hearing Held on 8/21/2020 EMERGENCY MOTION FOR EXPEDITED CONSIDERATION OF PLAINTIFFS MOTION TO DISMISS ALL CLAIMS FOR RELIEF AGAINSTDEFENDANT ABDELDAYEM HASSAN A/K/A ABDEL DYEM HASSAN FILED BY LYNDEL TOPPIN REPRESENTED BY STEPHEN MATTHEW DUNNE. Transcribed by Writer's cramp, Inc 268 pages. The transcript may be viewed at the Bankruptcy Court Clerk's Office.	9/24/2020	Adv Pro # 155
<i>Motion for Directed Verdict</i> Filed by Sheriff of the City of Philadelphia Represented by MEGAN N. HARPER	10/8/2020	Adv Pro # 157
Memorandum in Support of <i>Motion for Directed Verdict</i> Filed by MEGAN N. HARPER on behalf of Sheriff of the City of Philadelphia	10/8/2020	Adv Pro # 158

<u>Description of Document</u>	<u>Filing Date</u>	<u>Document No.</u>
Memorandum in Support of <i>Motion for Directed Verdict</i> Filed by MEGAN N. HARPER on behalf of Sheriff of the City of Philadelphia	10/8/2020	Adv Pro # 158
Response to Generic Motion filed by Defendant Sheriff of the City of Philadelphia Filed by Lyndel Toppin	10/29/2020	Adv Pro # 161
Supplemental Statement <i>Notice of Supplemental Authority</i> Filed by STEPHEN MATTHEW DUNNE on behalf of Lyndel Toppin	11/6/2020	Adv Pro # 162
Hearing Held on Motion for Directed Verdict Filed by Sheriff of the City of Philadelphia Represented by MEGAN N. HARPER - HELD UNDER ADVISEMENT	11/10/2020	Adv Pro # 163
Order entered Granting in part, Denying in part Summary Judgment Motion (Related Doc # [157]) . It is GRANTED with respect to the Debtor's request for damages for emotional distress and DENIED on all other grounds asserted. 3. The Directed Verdict Motion is GRANTED. 3. The Debtor's requested relief for sanctions against the Sheriff's Office pursuant to Section 362 (k) of the Bankruptcy Code is DENIED.	11/9/2021	Adv Pro # 164
Memorandum Order. An Order consistent with this Memorandum will be entered.	11/9/2021	Adv Pro # 165
Deposition of Barrington Whyte	12/12/2019	See Attached.
Sheriff's Responses to Requests for Admission		See Attached.
Revised Trial Stipulations		See Attached.
Plaintiff's Remote Witness List		See Attached.
Plaintiff's Exhibit List: P1 to P60		See Attached.
Plaintiff's Bates Stamped Trial Exhibit Binder with Exhibits labeled P1 through P60		See Attached.
Defendant's Exhibits: D1 to D30		See Attached.

STATEMENT OF ISSUES PRESENTED

1. Whether the bankruptcy court erred in finding that evidence at trial failed to establish any actual damages suffered by Plaintiff as a result of Defendants' violation of the automatic stay provided by 11 U.S.C. § 362(a)?
2. Whether the bankruptcy court erred in holding that a deaf and mute Plaintiff failed to prove emotional distress damages he suffered as a result of Defendants' violations of the automatic stay provided by 11 U.S.C. § 362(a) when Plaintiff is unable to testify on his own behalf due to his disability, and evidence by caretaker/nephew testifying at length to personal observations of Plaintiff indicated that a reasonable person would suffer significant emotional harm?
3. Whether the bankruptcy court erred in finding that the evidence of actual damage Plaintiff suffered as a result of Defendant's conduct, produced by Plaintiff in opposition to Defendant's Motion for Summary Judgment, failed to raise a genuine triable issue of fact pursuant to 11 U.S.C. § 362(k)(1)?
4. Whether the bankruptcy court was estopped from finding that there is no triable issue of fact on the issue of actual damages, and granting partial summary judgment in favor of Defendant on that issue, by virtue of its decision to conduct a trial on all issues?
5. Whether the bankruptcy court erred in failing to design court procedures in a manner that excluded Plaintiff, Lyndel Toppin from court's view when he was present during the entire testimony of his next of friend, Barryington Whyte, thereby depriving Plaintiff, Lyndel Toppin from emoting a non-verbal response that impacts Plaintiff's credibility as a witness?

Dated: December 2, 2021

By: /s/ Predrag Filipovic
Predrag Filipovic, Esquire
1635 Market Street, Suite 1600
Philadelphia, PA 19103
267-265-0520 Phone
Attorney for Plaintiff

BY: /s/ Stephen M. Dunne
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Philadelphia, PA 19102
(215) 551-7109 Phone
Attorney for Plaintiff

Barrington Whyte
December 12, 2019

Page 1

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

In re:

LYNDEL TOPPIN : Chapter 13,
Debtor : Bankruptcy No.
----- 18-13098

LYNDEL TOPPIN :
Plaintiff :

vs. :

JEWELL WILLIAMS : Adv. Proc. No.
SHERIFF OF THE CITY OF : 18000137
PHILADELPHIA and :
ABDELDAYEM HASSAN :
a/k/a ABDEL DYEM HASSAN :
Defendants :

- - -

Thursday, December 12, 2019

- - -

Oral Deposition of BARRINGTON WHYTE,
taken pursuant to notice, held at Municipal
Services Building, 1401 John F. Kennedy
Boulevard, Room 580, Philadelphia,
Pennsylvania 19102, commencing at
9:45 a.m. before Michelle A. Landman,
Professional Reporter and Notary Public; in
and for the Commonwealth of Pennsylvania.

STREHLOW & ASSOCIATES, INC.
54 FRIENDS LANE, SUITE 116
NEWTOWN, PENNSYLVANIA 18940
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Barrington Whyte
December 12, 2019

Page 2

A P P E A R A N C E S:

THE LAW OFFICES OF PREDRAG FILIPOVIC

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Representing the Plaintiff

THE CITY OF PHILADELPHIA - LAW DEPARTMENT

By: MEGAN N. HARPER, ESQUIRE
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JOSHUA.DOMER@PHILA.GOV
Representing the Defendants

Barrington Whyte
December 12, 2019

1 - - -
2 I N D E X
3 - - -

4	WITNESS	PAGE
5	BARRINGTON WHYTE	
6	(Witness sworn.)	
7	EXAMINATION BY:	
8	Ms. Harper.	04, 68
9	Mr. Filipovic	66

10
11 - - -
12 E X H I B I T S
13 - - -

14	NUMBER	DESCRIPTION	PAGE
15	D-1	First set of Interrogatories	10
16	D-2	Second Amended Complaint	30
17	*Exhibits were retained by counsel.		

Barrington Whyte
December 12, 2019

Page 4

1 - - -

2 BARRINGTON WHYTE, after having
3 been first duly sworn, was examined
4 and testified as follows:

5 - - -

6 MS. HARPER: Usual
7 stipulations?

8 MR. FILIPOVIC: That's fine.

9 - - -

10 (It is hereby stipulated and
11 agreed by and between counsel for
12 the respective parties that
13 reading, signing, sealing,
14 certification and filing are waived
15 and that all objections, except as
16 to the form of the question, be
17 reserved until the time of trial.)

18 - - -

19 EXAMINATION

20 - - -

21 BY MS. HARPER:

22 Q. Mr. Whyte, my name is Megan Harper,
23 I'm an attorney with the City of
24 Philadelphia. How are you doing?

Barrington Whyte
December 12, 2019

Page 5

1 A. Good. How are you doing?

2 Q. Good, thanks.

3 I'm going to start by giving you a few
4 instructions with regard to the conduct of
5 the deposition today.

6 First, as you know, we have a court
7 reporter recording our words. So I ask that
8 you keep all your responses to my questions
9 verbal. Nods of the head won't be -- she
10 won't be able to record those.

11 A. Okay.

12 Q. Also, please wait until I finish my
13 question before you start responding. If we
14 start talking over each other, which is
15 natural in conversation, that causes some
16 confusion on the record as well.

17 I think everybody has an interest in
18 getting the most clear record possible. So
19 in that regard, if I ask a question that you
20 don't understand, please let me know. It's
21 important that, you know, we get an accurate
22 as possible record of what we're trying --
23 the facts we're trying to speak about here.

24 In general, I don't want you to guess

Barrington Whyte
December 12, 2019

Page 6

1 at a response to one of my questions. If you
2 don't know the answer, let me know. I may
3 try and re-form my question or narrow down
4 the scope of the question, so we can try and
5 get at least some sort of response
6 substantive to the question. But other than
7 that, try not to guess.

8 A. Okay.

9 Q. I do have to ask one question, your
10 counsel may have prepped you on this. Did
11 you ingest any drugs or alcohol that may
12 impair your ability to give clear testimony
13 today?

14 A. No.

15 Q. Okay. Can you state your full name
16 for the record?

17 A. Yes, Barrington Whyte.

18 Q. What is your current address?

19 A. 1425 South 62nd Street, Philadelphia,
20 Pennsylvania 19139.

21 Q. 1425 South 62nd Street, is that --

22 A. I mean 146, I'm sorry about that.

23 Q. Have you resided at 1425 South 62nd
24 Street in the near past?

Barrington Whyte
December 12, 2019

Page 7

1 A. Yes.

2 Q. Okay. When did you last reside at
3 that address?

4 A. I still reside there.

5 Q. Okay. So you do not reside at 146
6 South 62nd Street, correct?

7 A. Yes, I do.

8 Q. Do you reside in both locations?

9 A. No, 146 South 62nd Street.

10 Q. Yeah.

11 A. That's the current address.

12 Q. How about 1425 South 62nd Street, have
13 you lived there in the past?

14 A. No.

15 Q. Does that address have any
16 significance to you? I'm just curious as to
17 why you mentioned 1425 South 62nd Street as
18 your address.

19 A. I probably wasn't thinking. I
20 apologize for that.

21 Q. Do you know who lives at 1425 South
22 62nd Street?

23 A. No.

24 Q. Can you just give me your date of

Barrington Whyte
December 12, 2019

Page 8

1 birth?

2 A. February 25, 1983.

3 Q. And when I refer to the property, just
4 so we're clear from this point forward,
5 unless I say otherwise, when I say the
6 property, I'm referring to 146 South 62nd
7 Street; do you understand that?

8 A. Yes.

9 Q. Okay. Who lives with you at 146 South
10 62nd Street?

11 A. Lyndel Toppin.

12 Q. Anybody else?

13 A. No.

14 Q. How long have you lived at the
15 property?

16 A. About, I would say about ten years or
17 so.

18 Q. Do you know how long Mr. Toppin has
19 lived at the property?

20 A. About probably 15.

21 Q. Okay. Mr. Toppin isn't here with you
22 today, is he?

23 A. No.

24 Q. Did you have any involvement in the

Barrington Whyte
December 12, 2019

Page 9

1 decision not to bring him here today?

2 A. No.

3 Q. Mr. Toppin is the plaintiff with
4 respect to the lawsuit that we're here taking
5 your deposition for; is that correct?

6 A. Yes.

7 Q. Okay. Can you tell me where you lived
8 before living at the property, say -- give me
9 a -- you mention you lived at the property
10 for the past ten years.

11 A. Um-hum.

12 Q. In the ten years prior to that, can
13 you give me some addresses as to where you
14 were residing?

15 A. I was actually staying with my mother
16 at that time before that.

17 Q. Okay. Where is her home?

18 A. 6045 Christian Street.

19 Q. How about Mr. Toppin, do you know
20 where he lived prior to residing at the
21 property?

22 A. No, I'm not sure.

23 MS. HARPER: Could we go off
24 the record for a second.

Barrington Whyte
December 12, 2019

Page 10

1 - - -

2 (Whereupon, a discussion was
3 held off the record.)

4 - - -

5 (Whereupon the Plaintiff's
6 Responses to Defendant, The Sheriff
7 of the City of Philadelphia's First
8 Set of Interrogatories was marked,
9 for identification purposes, as
10 Exhibit D-1.)

11 - - -

12 BY MS. HARPER:

13 Q. I'm going to hand to your counsel
14 copies of what we've marked as Exhibit D-1
15 here.

16 MS. HARPER: Counsel, could
17 you hand -- when you're ready.

18 MR. FILIPOVIC: Sure.

19 BY MS. HARPER:

20 Q. Mr. Whyte, if you could take a look at
21 what has been marked as Exhibit D-1 and let
22 me know when you have had an opportunity
23 review it. Take your time. I'm not in a
24 rush.

Barrington Whyte
December 12, 2019

Page 11

1 Mr. Whyte, have you had an opportunity
2 to review the document that has been marked
3 D-1?

4 A. Yes.

5 Q. I'm going to refer you to the first
6 page underneath what appears as the case
7 caption, it says, Plaintiff's Responses to
8 Defendant, Sheriff of the City of
9 Philadelphia's First Set of Interrogatories,
10 do you see that?

11 A. Yes.

12 Q. Have you seen this document before?

13 A. Yes.

14 Q. I don't want to know about
15 conversations that you've had with your
16 attorneys, so just be wary that when I ask
17 you, did you assist in providing the
18 information that appears in the answers that
19 are in this document?

20 MR. FILIPOVIC: Counsel,
21 that's a little bit of -- or is it
22 a work -- attorney work product
23 privilege.

24 MS. HARPER: No, the

Barrington Whyte
December 12, 2019

Page 12

1 information that was actually
2 requested in the interrogatories,
3 so it's an answer. I think it's
4 fair to ask here again.

5 MR. FILIPOVIC: Well, it was
6 objected to as well.

7 MS. HARPER: But it wasn't
8 objected to --

9 MR. FILIPOVIC: It was
10 generally objected to.

11 MS. HARPER: Okay. Are you
12 going to allow him to answer?

13 MR. FILIPOVIC: Sure. But
14 under the objection.

15 So go ahead and repeat the
16 question.

17 BY MS. HARPER:

18 Q. Do you need me to restate the
19 question?

20 A. Yes please.

21 Q. Mr. Whyte, did you assist in providing
22 the responses to these interrogatories?

23 A. Yes.

24 Q. Okay. Can you please refer, on the

Barrington Whyte
December 12, 2019

Page 13

1 third page, the response to interrogatory No.

2 2. Do you see where it says -- well, the

3 question states, "State all addresses where

4 you lived for the last five years, up to your

5 present address as stated above in your

6 answer to interrogatory No. 1, with

7 approximate dates of when you resided at

8 those addresses and who resided there with

9 you, if anyone." Do you see that

10 interrogatory No. 2?

11 A. Yes.

12 Q. The response to interrogatory No. 2

13 says, "I have resided at 146 South 62nd

14 Street, Philadelphia, PA 19139 for the last

15 30 years." Did you provide that information?

16 A. Yes.

17 Q. Okay. And today, is it your

18 understanding that when it says "I," this is

19 referring to the plaintiff, Lyndel Toppin?

20 A. No, I wasn't sure of that.

21 Q. Well, were you speaking -- when you

22 provided that information that someone had

23 lived there for the last 30 years, were you

24 speaking of yourself or Mr. Toppin?

Barrington Whyte
December 12, 2019

Page 14

1 A. Of myself.

2 Q. Okay. But you're not the plaintiff in
3 this case, correct?

4 MR. FILIPOVIC: That's been
5 asked and answered. You don't have
6 to answer it again.

7 BY MS. HARPER:

8 Q. Okay. And you, yourself, have only
9 lived at that address for the last ten years,
10 correct?

11 A. On and off, yes.

12 Q. And Mr. Toppin, you estimate, has
13 lived there for the last 15 years, correct?

14 A. In and out of there, yes.

15 Q. So what is the correct answer to that
16 question that's posed at interrogatory No. 2,
17 which is, "State all addresses where you
18 lived for the last five years, up to the
19 present address." Here it states, he's lived
20 at the property for 30 years. Is that
21 accurate?

22 A. Well, that was actually stating that
23 me and myself was there on and off for 30
24 years.

Barrington Whyte
December 12, 2019

Page 15

1 Q. Okay. Can you tell me what your job
2 is currently?

3 A. Actually, I work now at a warehouse.

4 Q. How long have you worked at the
5 warehouse?

6 A. For about a month now.

7 Q. Where did you work prior to that?

8 A. I was cooking.

9 Q. For whom?

10 A. Catering company by the name Just
11 Serve.

12 Q. How long did you work for Just Serve?

13 A. I was there for, I would say about six
14 years.

15 Q. Okay. So between October of 2017 and
16 July of 2018, is it fair to say that you were
17 working for the catering company?

18 A. From July to October.

19 Q. From October 2017 to July 2018?

20 A. Yes.

21 Q. Did you have any other jobs during
22 that time period?

23 A. Well, I had little like odd carpentry
24 jobs in between.

Barrington Whyte
December 12, 2019

Page 16

1 Q. Was that just on an as-needed basis,
2 you weren't scheduled to work?

3 A. No, I wasn't scheduled, just when
4 needed.

5 Q. Was it one particular contractor you
6 worked for?

7 A. No, just for myself, doing that for
8 family members of that nature.

9 Q. How about Mr. Toppin, I think I have a
10 sense of where he's working and how long he's
11 worked there. Can you tell me what you know
12 about his employment?

13 A. From what I know, he's a dishwasher at
14 his job, it's a restaurant.

15 Q. Do you know what restaurant is it?

16 A. I believe the name is Au Bon Pain.

17 Q. Do you know where that restaurant is
18 located?

19 A. I don't know exactly where it's
20 located, no.

21 Q. How long, is it your understanding,
22 that he's worked there?

23 A. How long has he worked there?

24 Q. Yes.

Barrington Whyte
December 12, 2019

Page 17

1 A. I would say about over 20 years or so.

2 Q. Can you tell me, speaking about
3 yourself personally, between October of 2017
4 and July of 2018, can you tell me what your
5 job schedule was like with the catering
6 company?

7 A. It was every day from morning to
8 night.

9 Q. Seven days a week?

10 A. Yes.

11 Q. Do you know anything about
12 Mr. Toppin's work schedule during that time
13 frame?

14 A. Not really, because I usually work at
15 that time.

16 Q. Do you know if he has a regularly
17 scheduled work schedule essentially?

18 A. Monday through Friday, I believe.

19 Q. Do you know the hours?

20 A. That I'm not sure of.

21 Q. Do you know how old Mr. Toppin is?

22 A. Not really, I'm not guaranteed. I'm
23 not sure.

24 Q. Would you say he's in his 30's?

Barrington Whyte
December 12, 2019

Page 18

1 A. No, he's older than that.

2 Q. In his 60's?

3 A. I could say about that, yeah.

4 Q. Who is his mother?

5 A. Eleanor Zalkin.

6 Q. Who is his father?

7 A. That I don't know.

8 Q. What is your relationship to

9 Mr. Toppin?

10 A. That's my uncle.

11 Q. So is one of your parents the brother

12 or sister of Eleanor Zalkin?

13 A. No.

14 Q. Explain your relationship, if you

15 could, familiar relationship to Lyndel

16 Toppin. He's your uncle by what?

17 A. Through my grandmother.

18 Q. Okay. Who is your grandmother?

19 A. Eleanor Zalkin.

20 Q. You're saying he's the brother of

21 Eleanor Zalkin?

22 A. That's her son.

23 Q. It's her son?

24 A. Yes.

Barrington Whyte
December 12, 2019

Page 19

1 Q. Did Eleanor Zalkin have any other
2 children?

3 A. Not that I know of.

4 Q. Are you related by blood to
5 Mr. Toppin?

6 A. Yes.

7 Q. Can you explain to me how?

8 A. I mean, from what my grandmother be
9 telling me, it's just him, her and I'm her
10 grandson. She never really got into the
11 whole schick of everything.

12 Q. When did you first remember meeting
13 Mr. Toppin? Do you have a recollection of
14 that?

15 A. When I was young. When I was about --
16 I mean, he's been around me most of my life,
17 so I can say as far as me understanding,
18 probably about ten or eight, something like
19 that.

20 Q. And your grandmother is Eleanor
21 Zalkin, she's deceased, correct?

22 A. Yes.

23 Q. Who are your parents?

24 A. My mother is Lillian.

Barrington Whyte
December 12, 2019

Page 20

1 Q. What's her last name?

2 A. Brooks, B-R-O-O-K-S.

3 Q. And your father?

4 A. I don't know.

5 Q. Okay. It's my understanding that
6 Mr. Toppin has some sort of limitations in
7 his ability to communicate; is that correct?

8 A. Yes.

9 Q. Okay. Can you describe for me what
10 you observe those limitations to be?

11 A. He can't hear or talk.

12 Q. Has it been that way since you've
13 known him?

14 A. Yes.

15 Q. Do you know if he ever went to school
16 at any point, like elementary or
17 kindergarten, anything?

18 A. I'm not sure of that.

19 Q. You don't know?

20 A. No.

21 Q. Do you know if he ever had a legal
22 guardian appointed for him?

23 A. I believe that's his mother.

24 Q. He's got a cell phone, correct?

Barrington Whyte
December 12, 2019

Page 21

1 A. Yes.

2 Q. What does he use the cell phone for?

3 A. That I'm -- mostly I see him using it
4 checking the time, is mostly what he uses it
5 for.

6 Q. Is it any sort of special kind of
7 phone?

8 A. No.

9 Q. Just a regular cell phone?

10 A. Just a regular flip phone.

11 Q. Okay. Do you know if he uses it to
12 text folks?

13 A. No, he can't text.

14 Q. Can you tell me what he is able to do
15 in terms of speaking? What can he do?

16 A. Speaking?

17 Q. Um-hum.

18 A. Well, he can't speak at all.

19 Q. No words?

20 A. No.

21 Q. How about in terms of hearing, to your
22 knowledge does he hear anything?

23 A. He can't hear anything, no.

24 Q. How about with respect to writing, can

Barrington Whyte
December 12, 2019

Page 22

1 he write anything?

2 A. His name.

3 Q. Anything else?

4 A. That's it.

5 Q. How about with respect to -- how do
6 you communicate with him?

7 A. Just basic commands.

8 Q. Are they sign?

9 A. Just as, for example, bathroom, you
10 know how us men go to the bathroom, he gives
11 me that indication for bathroom.

12 Q. So it's sort of your own method of
13 communicating, it's not an official sign
14 language?

15 A. No, it's not official sign language.

16 Q. Do you know if he understands sign
17 language?

18 A. He doesn't.

19 Q. Do you know if he can read?

20 A. He can't read.

21 Q. Is he able to understand what this
22 case is about?

23 A. No.

24 MR. FILIPOVIC: Object to that

Barrington Whyte
December 12, 2019

Page 23

1 as being in the province of an
2 expert, a medical expert.

3 MS. HARPER: Is there an
4 expert?

5 MR. FILIPOVIC: No, but the
6 question is within province of an
7 expert as far as -- what the
8 question goes, as far as his
9 communications with Mr. Whyte and
10 their general ideas. But if you
11 are going to ask him about what his
12 -- what Toppin understanding goes
13 beyond communication with Barry and
14 every day activities.

15 MS. HARPER: So you're
16 inducting him not to answer
17 questions about his understanding
18 of this case?

19 MR. FILIPOVIC: No, I'll let
20 him answer. The objection that's
21 on the record is that I believe
22 that that question is for an
23 expert.

24 MS. HARPER: Okay. All right.

Barrington Whyte
December 12, 2019

Page 24

1 BY MS. HARPER:

2 Q. Well, let me ask you this --

3 MR. FILIPOVIC: But he's
4 already answered.

5 MS. HARPER: No, I'm asking a
6 different question. That's fine.

7 BY MS. HARPER:

8 Q. Have you tried to convey to Mr. Toppin
9 what this case is about?

10 A. In bits and pieces, yes.

11 Q. Do you think he understands what
12 you're trying to convey?

13 A. No.

14 Q. What is your understanding of what the
15 lawsuit is about?

16 A. Basically it's from the sheriff and
17 all these statements that have been put on to
18 the home that we've been at.

19 Q. Has Mr. Toppin ever lived alone?

20 A. No.

21 Q. Has Mr. Toppin ever lived at 5813
22 Lansdowne Avenue?

23 A. Yes.

24 Q. And when did he live there last?

Barrington Whyte
December 12, 2019

Page 25

1 A. I want to say about five, six years
2 ago maybe.

3 Q. How about 164 Sherbrook Boulevard in
4 Upper Darby, has he lived there?

5 A. That I don't know of.

6 Q. Does 6936 Ruskin Lane in Upper Darby
7 ring a bell?

8 A. No.

9 Q. Who is Alvita Hughes?

10 A. That's my cousin.

11 Q. Is she related to Lyndel Toppin by
12 blood?

13 A. No.

14 Q. Has she ever lived with Lyndel Toppin?

15 A. No.

16 Q. Have you ever lived in the same home
17 as Alvita Hughes?

18 A. Yes.

19 Q. When was that?

20 A. This was about two years ago.

21 Q. And what address was that?

22 A. I can't really remember off top.

23 Q. It was about two years ago, you don't
24 remember, was it in Philadelphia?

Barrington Whyte
December 12, 2019

Page 26

1 A. Yes, it was in Philadelphia.

2 Q. What section?

3 A. It was in South Philadelphia.

4 Q. You don't remember the name of the
5 street?

6 A. I know the building, it's the -- there
7 is a nursing home that's down there in South
8 Philly.

9 Q. It's near a nursing home or in the
10 nursing home?

11 A. It's actually the nursing home is in
12 the building. She was taking care of her
13 mother there. We were both helping take care
14 of her mother while we were there.

15 Q. Okay. Do you know if Mr. Toppin has
16 like a primary care physician, someone who
17 oversees his medical care?

18 A. I'm not sure of that.

19 Q. Can you tell me on a day-to-day basis
20 how you -- how, if at all, you assist
21 Mr. Toppin with his sort of daily activities
22 of living?

23 A. Well, myself personally, I try, you
24 know, when I get off of work, I try to like

Barrington Whyte
December 12, 2019

Page 27

1 make him meals and things like that. You
2 know, just set up like an eating plan for
3 him.

4 Q. Is he able to get to and from work on
5 his own?

6 A. Yes.

7 Q. How does he do that?

8 A. He catches the el train.

9 Q. Do you have his cell phone number in
10 your cell phone?

11 A. No.

12 Q. Do you ever use his cell phone to
13 communicate with him in any way?

14 A. No.

15 Q. Other than preparing meals for him, or
16 having a meal plan, eating plan for him, is
17 there anything else you do to assist with his
18 daily activities of living?

19 A. No. Basically I wash his clothes from
20 time to time.

21 Q. Okay.

22 A. And I maybe -- well, he has like this
23 kind of pain, his legs swell, so I massage
24 his leg every once in a while.

Barrington Whyte
December 12, 2019

Page 28

1 Q. Do you know anything about the history
2 of his communication limitations? Like do
3 you know if anything happened to him to cause
4 those?

5 A. I'm not sure, no.

6 Q. Okay. Can you describe the front of
7 the property at 146 South 62nd Street. If
8 I'm looking at it from the sidewalk -- is
9 there a sidewalk in front of it?

10 A. Yes.

11 Q. Describe what the front of the
12 property looks like to me.

13 A. Looking at it from the front, you have
14 the first three steps you walk up. And then
15 it's about another six, seven steps and then
16 it's the screen door and the regular door.
17 And to the right it has a big window.

18 Q. Okay. Where is your room -- do you
19 have a bedroom in that house?

20 A. Yes.

21 Q. Where is that?

22 A. The front bedroom.

23 Q. So does it face the street?

24 A. Yes.

Barrington Whyte
December 12, 2019

Page 29

1 Q. And is there a window in your room
2 that faces the street?

3 A. Yes.

4 Q. Does the house currently have water
5 service?

6 A. Yes.

7 Q. Has it been without water service for
8 any period of time in the recent past?

9 A. At one point I had a water pipe broke.
10 About two winters ago a pipe busted, I had
11 the water department come fix it for me.

12 Q. Since that period two years ago, water
13 has been supplied to the property?

14 A. Yes.

15 Q. How about other utilities, electric?

16 A. Yes.

17 Q. Gas?

18 A. Yes.

19 Q. And was that true in October of 2017
20 through July of 2018 for all of those
21 utilities?

22 A. I'm sorry?

23 Q. Did the house have water --

24 A. Yes.

Barrington Whyte
December 12, 2019

Page 30

1 Q. -- from October 2017 to July 2018?

2 A. Yes.

3 Q. Did it have gas from October 2017 to
4 July 2018?

5 A. Yes.

6 Q. Did it have electric from October 2017
7 to July 2018?

8 A. Yes.

9 MS. HARPER: Mark that as D-2
10 please.

11 - - -

12 (Whereupon the United States
13 Bankruptcy Court Complaint was
14 marked, for identification
15 purposes, as Exhibit D-2.)

16 - - -

17 BY MS. HARPER:

18 Q. I'm passing what has been marked as
19 D-2 along with copies of that document to
20 your counsel.

21 Once you have the document before you,
22 please take your time and take a look at it.

23 MS. HARPER: And I will say,
24 counsel, I didn't include the

Barrington Whyte
December 12, 2019

Page 31

1 Exhibits to this just for volume
2 sake.

3 MR. DUNNE: That's all right.

4 MR. FILIPOVIC: Whatever fits
5 your purpose.

6 BY MS. HARPER:

7 Q. Mr. Whyte, have you had an opportunity
8 to review what was marked as Exhibit D-2?

9 A. Yes.

10 Q. And can you tell me what your
11 understanding is to what this document is?

12 A. The bankruptcy case and the claim
13 against the Sheriff's Office.

14 Q. Have you seen this document before?

15 A. Yes.

16 Q. Did you assist in providing
17 information that appears in this document?

18 A. Yes.

19 Q. I'd like you to turn to page 2 of 14,
20 you'll see that at the top. Are you on page
21 2 of 14?

22 A. Yes.

23 Q. There is a paragraph at the very top
24 of the document, I'm going to read the last

Barrington Whyte
December 12, 2019

Page 32

1 sentence of that paragraph for you. It says,
2 "Yet, more than six weeks after it was placed
3 on notice and knowledge of, Mr. Toppin's
4 bankruptcy, defendants continue to employ
5 process by sending armed Philadelphia
6 Sheriffs to the debtor's personal residence
7 on six separate occasions in direct
8 contravention of 11 U.S.C., Section 362" --
9 that squiggly line stands for section -- "a,
10 (the automatic stay) and with express orders
11 of this court."

12 Do you see that sentence?

13 A. Yes.

14 Q. I'm going to refer you to the part
15 that says, "Sending armed Philadelphia
16 Sheriffs to the debtor's personal residence
17 on six separate occasions." Do you
18 understand who the debtor is?

19 A. I believe Lyndel.

20 Q. Okay. And do you understand what it
21 means when it says residence?

22 A. The home.

23 Q. And that's the property we have been
24 talking about?

Barrington Whyte
December 12, 2019

Page 33

1 A. Yes.

2 Q. And that information, six separate
3 occasions, where did that information come
4 from?

5 A. The notices that were put on the door.

6 Q. And the information that the sheriffs
7 were armed, do you see that? It says,
8 "Sending armed Philadelphia Sheriffs." Where
9 did that information come from?

10 MR. FILIPOVIC: I'm going to
11 just repeat my continuing objection
12 to the attorney work product for
13 the complaint.

14 MS. HARPER: It couldn't
15 possibly come from the attorneys
16 because they weren't there. This
17 is a fact.

18 MR. FILIPOVIC: It is a
19 pleading done by --

20 MS. HARPER: It is a fact.

21 MR. FILIPOVIC: It is a fact.
22 But where it came from is within
23 the scope of attorney work product.

24 MS. HARPER: You couldn't have

Barrington Whyte
December 12, 2019

Page 34

1 possibly given it to him.

2 MR. FILIPOVIC: Irregardless
3 of who and what and where it came
4 from, I believe that -- just my
5 standing objection. He can answers
6 if he know.

7 MS. HARPER: Is it your belief
8 that I don't have a right to
9 understand where the facts that
10 were asserted against my client
11 were derived from, where they came
12 from? Isn't that what discovery
13 was about?

14 MR. FILIPOVIC: You just need
15 to rephrase the question a little.

16 MS. HARPER: Okay. I'll try.

17 BY MS. HARPER:

18 Q. That statement, "Armed Philadelphia
19 Sheriffs," were they armed?

20 A. That I'm not sure of.

21 Q. You didn't see them?

22 A. Me personally, no.

23 Q. You weren't there on the six occasions
24 when they allegedly came to the property?

Barrington Whyte
December 12, 2019

Page 35

1 A. No, I wasn't there.

2 Q. Was Mr. Toppin?

3 A. Probably he was.

4 Q. How do you know?

5 A. Well, I'm usually at work, like I
6 said, all day, and he doesn't work all day.

7 Q. What are the hours that he works?

8 MR. FILIPOVIC: Objection.

9 Asked and answered.

10 MS. HARPER: No. I know what
11 days he works.

12 MR. FILIPOVIC: No, it was
13 about the hours. We can go back on
14 record, counsel, and we can take a
15 look. He said he wasn't sure about
16 the hours.

17 THE WITNESS: No.

18 BY MS. HARPER:

19 Q. So if you're not sure about the hours
20 that he worked, how can you be sure he was
21 there when these armed sheriffs allegedly
22 came to the property?

23 A. The job that he works at, it's a
24 certain time it closes, it doesn't stay open

Barrington Whyte
December 12, 2019

Page 36

1 all night long. I would take it it closes
2 regular, like 5:00.

3 Q. Closes around 5:00?

4 A. Like around that time.

5 Q. So you would expect him home some time
6 after 5:00?

7 A. Or any time before that. I don't know
8 if he works the whole day. I'm just saying,
9 the business probably stays open until about
10 five, but I don't know if he actually stays
11 until five.

12 Q. But you live with him. Do you get any
13 general sense of his comings and goings?

14 A. Well, when I come in, I just -- I get
15 the sense when he's home. You know, it's
16 just a feeling I get that somebody is in the
17 house already.

18 Q. Can you tell me if there is any
19 regularity to that? Like when you come home
20 on Monday, say -- what time do you usually
21 get home on a Monday?

22 A. It varies, because I take public
23 transportation, so it varies.

24 Q. I hear you.

Barrington Whyte
December 12, 2019

Page 37

1 A. So if anything, probably about --
2 well, if I'm lucky, about 11.

3 Q. At night?

4 A. Yes.

5 Q. And he's usually home by 11 at night?

6 A. Yes.

7 Q. Is that the same as Tuesday?

8 A. Yes.

9 Q. Wednesday?

10 A. I could say that, yes.

11 Q. Thursday?

12 A. Yes.

13 Q. And Friday?

14 A. Yes.

15 Q. Now I think when we were talking about
16 a time frame earlier, about October 2017 to
17 July 2018, I think you had a different job
18 then, that was when you were working for the
19 caterer. What time of night or day would you
20 generally come home from that job?

21 You mentioned you worked every day,
22 morning to night. So about what time would
23 you get home?

24 A. If it's a normal day, probably about

Barrington Whyte
December 12, 2019

Page 38

1 11. If we get off early or we have nobody to
2 cook for or if the show was canceled that
3 day, probably about eight, 9:00.

4 Q. Eight, 9:00 at night?

5 A. Yes, p.m.

6 Q. When you had that catering job and
7 when you would get home from that catering
8 job, was Mr. Toppin generally home already?

9 A. Yes.

10 Q. When you left for the catering job in
11 the morning, what time would you leave?

12 A. That would be about -- I would say
13 about like seven. I would have to leave two
14 hours earlier than I have to be there, so
15 about seven.

16 Q. Seven in the morning?

17 A. Yes.

18 Q. Was Mr. Toppin generally home when you
19 left the property?

20 A. Well, he would be getting himself like
21 prepared to leave around that time.

22 Q. So is it your understanding that he
23 would leave for work at like the same time as
24 you?

Barrington Whyte
December 12, 2019

Page 39

1 A. I would say, if anything I would
2 probably think around nine or something.

3 Q. In the morning?

4 A. Yes.

5 Q. And he has a Monday through Friday job
6 you think; is that correct?

7 A. Yes.

8 Q. Okay. And this was true as of the
9 time frame of October 2017 to July 2018; is
10 that correct?

11 A. Yes.

12 Q. Okay. So let's go back to page 2 of
13 the document that has been marked as D-2. If
14 you look at the next paragraph, there is a
15 bunch of dates bolded and underlined; do you
16 see those?

17 A. Yes.

18 Q. Could you please read -- I guess
19 that's all one sentence there. Could you
20 please read, you can do this to yourself,
21 that's fine, the sentence that includes those
22 dates. Take a moment to look at that.

23 A. (Witness complies.)

24 Q. Have you had a moment to look at that

Barrington Whyte
December 12, 2019

Page 40

1 sentence?

2 A. Yes.

3 Q. It's a pretty long one. Those dates
4 that appear there that are bolded and
5 underlined. I think there is three of them,
6 May 18, 2018, May 24, 2018, May 30, 2018,
7 June 1, 2018, June 5, 2018 and June 7, 2018,
8 those are six dates, correct?

9 A. Yes.

10 Q. And according to this document, those
11 are the dates that notices were posted on the
12 property; is that correct?

13 A. Yes.

14 Q. All right. Did you provide the
15 information that appears in that sentence
16 regarding the dates that notices were posted
17 on the property?

18 A. Yes.

19 Q. And how do you know that that
20 information is correct?

21 A. Well, these were around about dates
22 that they would come in. It was so frequent,
23 you know, it was like kind of -- it was
24 getting irritating, so I couldn't really

Barrington Whyte
December 12, 2019

Page 41

1 forget those days that they were putting them
2 up there, it was really getting to me, it was
3 embarrassing at a point.

4 So my main focus was like remembering
5 these times when they were put there so I
6 could transfer that information to my lawyer.

7 Q. And what does "posted" mean to you?
8 What does that term mean to you?

9 A. Like placed in vision for you to
10 notice.

11 Q. When was the first notice that you saw
12 on the property? What date is that?

13 A. May -- well, it was around May.
14 Around the 18th, around that time in May.

15 Q. And where was the notice that you
16 observed?

17 A. That one was on the front door. It
18 was posted on the front door inside of the
19 screen door.

20 Q. And you observed one notice on May
21 18th?

22 A. Yes.

23 Q. What time of day did you observe that
24 notice on May 18th; do you recall?

Barrington Whyte
December 12, 2019

Page 42

1 A. That was -- that was like in the
2 afternoon.

3 Q. So you were home from work on May
4 18th?

5 A. Yes, that day, yes.

6 MS. HARPER: I'm just looking
7 at a calendar here, and, you know,
8 I'm happy to circulate it. I don't
9 intend to mark this as an Exhibit,
10 just a calendar from 2018. Do you
11 want a copy to look along?

12 MR. FILIPOVIC: We don't need
13 it. Thank you.

14 BY MS. HARPER:

15 Q. So May 18th was a Friday. It says May
16 18th of 2018, that was a Friday.

17 A. Yes.

18 Q. You, apparently, I guess, weren't
19 working a full day that day?

20 A. No.

21 Q. On May 24th, that's the next date that
22 was stated, is that the next date you
23 observed a notice posted at the property?

24 A. Well, that date is actually when

Barrington Whyte
December 12, 2019

Page 43

1 Lyndel had given me the paper on that
2 occasion.

3 Q. Do you know where he got it?

4 A. It had tape on it, so I'm pretty sure
5 the front door.

6 Q. Did you see any envelope with it?

7 A. No. No envelope.

8 Q. Are you sure it wasn't the notice that
9 you observed on May 18th?

10 A. It looked like the same notice, yes.

11 Q. Could it have been the same notice?

12 A. Not that same. The notice that I got
13 the first time I took that out and had it in
14 my room. So this was the second notice that
15 he gave me this time.

16 Q. You don't know where he observed that
17 notice first, do you?

18 A. No, I just assumed it was the front
19 door. When he handed it to me, it had the
20 silver two pieces of tape on the side of the
21 paper.

22 Q. What kind of tape?

23 A. It was just basic duct tape.

24 Q. But you can't say personally whether

Barrington Whyte
December 12, 2019

Page 44

1 that notice on May 24th was actually posted
2 to the door?

3 A. No, not exactly.

4 Q. How about on May 30th, that's the
5 approximate date of the next notice. Did you
6 observe a notice on the property on May 30th?

7 A. No, that's another one that actually
8 was inside the house actually that day.

9 Q. What did you observe?

10 A. Well, it was on the couch when I came
11 in, so I'm assuming he got to it first and,
12 you know, put it there.

13 Q. But he can't communicate with you as
14 to how he got a hold of that, can he?

15 A. No. But I just looked at it as the
16 tape being on there, it was the same way.
17 Because they all came the same exact way.

18 Q. Did any of them have envelopes
19 associated with them?

20 A. No. No envelopes.

21 Q. How about June 1st, did you observe
22 that one posted on the house?

23 A. That's another one that he gave to me
24 also.

Barrington Whyte
December 12, 2019

Page 45

1 Q. Did you try and communicate with
2 Mr. Toppin at all on these dates as to what
3 the notices were about?

4 A. Well, not actually communicate. Well,
5 the second one, like when he -- when I saw it
6 on the couch, and I actually picked it up, he
7 was coming down at that particular time and
8 he just saw like how I was just like shaking
9 my head.

10 The first one, I understood. But the
11 second one, I couldn't really process it
12 through my head. So me looking at it, I was
13 just shaking my head at that time.

14 Q. What did you do -- okay. So I know
15 the May 18th notice you said you had taken
16 that to your room; is that correct?

17 A. The May 18th, yes.

18 Q. How about, what happened with the May
19 24th notice, the second one?

20 A. Yes.

21 Q. What happened with that after you saw
22 it?

23 A. I kept that one also.

24 Q. In your room?

Barrington Whyte
December 12, 2019

Page 46

1 A. Yes.

2 Q. All right. How about the May 30th
3 notice, what happened to that after you saw
4 it?

5 A. Kept that one. Filed it also.

6 Q. Filed it in what?

7 A. Just put it in my folder so I wouldn't
8 lose it.

9 Q. You had a folder for this purpose?

10 A. No. Just so I didn't lose it. I had
11 a folder in my house and I decided to put it
12 in there.

13 Q. What happened with the June 1st notice
14 after you saw it?

15 A. Put that one up also.

16 Q. Okay. How about June 5th. Can you
17 tell me when you first saw the June 5th
18 notice?

19 A. That one was actually on the dining
20 room table when I actually came in that day
21 -- well, that night. It was on the dining
22 room table.

23 Q. Do you know how it got there?

24 A. I'm pretty sure my uncle.

Barrington Whyte
December 12, 2019

Page 47

1 Q. Did this one also have tape?

2 A. Yes.

3 Q. Was there any envelope associated with
4 this one?

5 A. No envelopes. No.

6 Q. How about June 7th?

7 A. That one was inside the house also.

8 Q. Where was it?

9 A. On the table also.

10 Q. Did it have tape on it?

11 A. I'm sorry?

12 Q. Was there tape on it?

13 A. Yes.

14 Q. Did you take the tape off of any of
15 these notices at any point in time?

16 A. No, left it on.

17 Q. So when you gave them to your
18 attorney, they had the tape on them?

19 MR. FILIPOVIC: Objection.

20 MS. HARPER: It's a question.

21 MR. FILIPOVIC: It's a
22 question that presumes facts not on
23 the record.

24 MS. HARPER: Okay.

Barrington Whyte
December 12, 2019

Page 48

1 BY MS. HARPER:

2 Q. Do you know if Mr. Toppin took the
3 tape off the notices at any point in time?

4 A. No, I don't know if he took them off.

5 Q. Do you know if there was tape on the
6 notices -- did you provide the notices to
7 Mr. Dunne?

8 A. Yes.

9 Q. When you provided the notices to
10 Mr. Dunne, did they have tape on them?

11 A. No, I don't think. I think I took the
12 tape off of them.

13 Q. I thought you just said you didn't
14 take the tape off of them?

15 A. When I took them to him, I took the
16 tape off of them. When I had it in my house
17 filed in the folder, I left it on. To make
18 it look more neat and kosher to him, I took
19 the tape off.

20 Q. So you don't have any photos of the
21 notices with the actual tape on them, do you?

22 A. No.

23 Q. Do you have a Ring doorbell?

24 A. No.

Barrington Whyte
December 12, 2019

Page 49

1 Q. Do you know what a Ring doorbell is?

2 A. Yes. I don't have one.

3 Q. Do you have any security cameras
4 outside your house?

5 A. No.

6 Q. And when these notices left your
7 possession, did they have anything else with
8 them? You said there were no envelopes,
9 correct?

10 A. No envelopes. No.

11 Q. Okay. And so it's fair to say that
12 other than the very first notice of May 18th,
13 you never actually observed a notice posted
14 on the property?

15 A. Me personally, no.

16 Q. Okay.

17 MR. FILIPOVIC: Just to
18 clarify that, is that, notice being
19 posted on the property?

20 MS. HARPER: No posted.

21 MR. FILIPOVIC: Or a posted
22 notice on property?

23 MS. HARPER: Um-hum. We
24 already know he didn't see anybody

Barrington Whyte
December 12, 2019

Page 50

1 posting the notices, that's clear.

2 MR. FILIPOVIC: I need to go
3 to the restroom, if that's okay.

4 MS. HARPER: Sure. Sure.

5 - - -

6 (Whereupon, a brief recess was
7 taken at 10:53 a.m. and the
8 deposition resumed at 11:05 a.m.)

9 - - -

10 BY MS. HARPER:

11 Q. I'm going to ask you a series of
12 questions about Mr. Toppin, and just answer
13 me if you can, if you don't know the answer,
14 that's fine, let me know.

15 A. Okay.

16 Q. Counsel is probably going to accuse me
17 of having asked and answered on this one
18 already, but we have gone through specific
19 dates, May 18th, May 24th, May 30th, June
20 1st, June 5th, June 7th, can you say with
21 absolute certainty that on any one of those
22 days Mr. Toppin was home when a notice was
23 allegedly posted?

24 MR. FILIPOVIC: Objection as

Barrington Whyte
December 12, 2019

Page 51

1 to absolute certainty.

2 BY MS. HARPER:

3 Q. Well, do you know if he was home on
4 any one of these days when a notice was
5 allegedly posted?

6 A. Well, I can't be actually sure. I
7 don't know if he got there before it came or
8 after it came.

9 Q. Do you know if he saw someone with a
10 gun on them on those days?

11 A. I wouldn't say actually he was saying
12 like he saw somebody with a gun. But he
13 compared like the little shield thing, he
14 just like made a comparison of the two. Just
15 showing me the similarity of the two.

16 Q. Was there a gun on the symbol?

17 A. No, but just a shield.

18 Q. Okay. Did Mr. Toppin, at any point in
19 time, try and describe to you a person that
20 came on the property on any one of those
21 days?

22 A. When I saw him, like I said, he showed
23 me the comparison of like the shield that was
24 on the notice or whatever, and he just

Barrington Whyte
December 12, 2019

Page 52

1 pointed to the similarity. He put the paper
2 next to himself and he showed me he peeked
3 through.

4 Q. So what is your understanding?

5 You're gesturing, which is hard for
6 the court reporter to take down. And if I
7 may try and summarize what you're showing me.
8 I'm going to turn the direction you're
9 sitting.

10 Which is that you believe Mr. Toppin
11 was gesturing to a shield on a piece of paper
12 and to his chest?

13 A. On the notice, yes. He was showing me
14 the comparison of the two, like he seen that
15 shield on the person.

16 Q. On the person, okay.

17 A. Yeah.

18 Q. All right. I'm going to refer you
19 back to what was marked as Exhibit D-2.

20 Well, before I do that. Let me ask
21 you a few more questions. We talked a little
22 bit about how you assist Mr. Toppin in his
23 day-to-day life, and that included maybe a
24 leg massage and with this eating plan.

Barrington Whyte
December 12, 2019

Page 53

1 I asked you if there was anything else
2 you would do to assist him. I don't think
3 you stated too much else. So I'm going to
4 ask you some specific questions about that.

5 Do you do grocery shopping for
6 Mr. Toppin?

7 A. Not particularly for him. I do it for
8 the house. So just whatever I buy is for
9 both of us.

10 Q. Does he do any grocery shopping
11 himself?

12 A. No.

13 Q. Do you do banking for Mr. Toppin?

14 A. Well, just on Friday when he gets paid
15 I would go down to the MAC machine with him
16 just to type his numbers in.

17 Q. Does he have his own bank account?

18 A. I think it's just the job card.

19 Q. Okay.

20 A. Jobs now, they put the paychecks on
21 cards now.

22 Q. But back in -- when did that start? I
23 think you just mentioned that you put
24 something in the -- go down to the machine

Barrington Whyte
December 12, 2019

Page 54

1 and put money in the ATM, correct?

2 A. No.

3 Q. Okay. Maybe I misunderstood. You
4 said on Fridays when he gets paid, you take
5 him down to the MAC machine. Is that to get
6 money out of the machine?

7 A. Yes, in case he needs any money or
8 anything.

9 Q. Do you know where he does his banking?

10 A. No, I'm not sure.

11 Q. Do you know how much he gets paid each
12 week?

13 A. I'm not sure on that either.

14 Q. Do you believe he gets paid on a
15 weekly basis?

16 A. I believe it's on a weekly basis, yes.

17 Q. Did you have any involvement when
18 Mr. Toppin was applying for or obtaining the
19 job he's held for the last 20 years?

20 A. No.

21 Q. So do you have any information as to
22 how he got that job?

23 A. I'm pretty sure through his mother, if
24 anything.

Barrington Whyte
December 12, 2019

Page 55

1 Q. His mother was still alive at the
2 time?

3 A. Yes.

4 MR. DOMER: If we can take a
5 second, go off the record.

6 - - -

7 (Whereupon, a discussion was
8 held off the record.)

9 - - -

10 BY MS. HARPER:

11 Q. Mr. Whyte, just going back to what we
12 were talking about a little bit about
13 Mr. Toppin's pay. I'd also like to know, who
14 pays the bills in the house?

15 A. I do.

16 Q. Okay. So you pay the property taxes?

17 A. Yes.

18 Q. About how much are they, per year?

19 A. I believe at the time it was like \$360
20 or something around that.

21 Q. How about the water bill? How much is
22 that, on average?

23 A. That's about, say about \$100
24 something.

Barrington Whyte
December 12, 2019

Page 56

1 Q. Gas bill, how much is that on average
2 per month?

3 A. Close to like 80-90.

4 Q. And lastly the energy bill for PECO,
5 how much is that a month, on average?

6 A. That's 150 a month, sometimes more.

7 Q. Does Mr. Toppin contribute to payment
8 for these bills?

9 A. I don't ask for it, no.

10 Q. So you're the only one paying these
11 bills in the house?

12 A. Yes.

13 Q. With your money?

14 A. Yes.

15 Q. All right. So looking back again at
16 what was marked as D-2, which is the
17 complaint, if you can take a look at that.

18 Let's look at D-1. Take a look at D-1
19 instead, I believe you had an opportunity to
20 review D-1 previously, correct?

21 A. Yes.

22 Q. I'm going to turn your attention then
23 to interrogatory No. 15. Which is towards
24 the back. Just let me know when you have

Barrington Whyte
December 12, 2019

Page 57

1 reached interrogatory No. 15.

2 A. I'm not sure which one that is.

3 Q. Maybe your counsel can point to -- the
4 page that starts with interrogatory No. 14,
5 interrogatory 15 is there too.

6 MR. FILIPOVIC: Starts with
7 No. 15.

8 MS. HARPER: 14. The top of
9 the page.

10 MR. FILIPOVIC: Okay. All
11 right.

12 MS. HARPER: Third page from
13 the back.

14 MR. FILIPOVIC: That helps.
15 Okay. I believe that's it.

16 BY MS. HARPER:

17 Q. All right. So I guess these -- I have
18 to kind of cover both 14 and 15 here. The
19 very first interrogatory No. 14 at the top,
20 do you see that where it says, "Do you claim
21 to have experienced emotional distress as a
22 result of the sheriff's alleged violations of
23 the automatic stay?" Do you see that?

24 A. Yes.

Barrington Whyte
December 12, 2019

Page 58

1 Q. The answer there is what?

2 A. "Yes."

3 Q. Did you provide that information that
4 informed the answer to this interrogatory?

5 A. Yes.

6 Q. And is it your understanding that that
7 question when it says, "You claim to have
8 experienced emotional distress," that that is
9 referring to Lyndel Toppin?

10 A. Yes.

11 Q. In the answer to the next
12 interrogatory, you'll see there is
13 subparagraphs to interrogatory No. 15, do you
14 see that?

15 A. Yes.

16 Q. And it says, "If your answer to
17 interrogatory No. 14 was yes, please:" And
18 then there is subparagraph A, "Set forth the
19 nature of the emotional distress." Do you
20 see that?

21 A. Yes.

22 Q. In the response to interrogatory No.
23 15, subparagraph A it says, "Armed
24 Philadelphia Sheriffs appeared at my home and

Barrington Whyte
December 12, 2019

Page 59

1 posted six separate 'Notices to Vacate' and
2 'Eviction Notices' that caused me a
3 substantial amount of undue frustration,
4 anxiety and mental anguish." Do you see
5 that?

6 A. Yes.

7 Q. Did you provide the information in
8 response to that interrogatory 15,
9 subparagraph A?

10 A. Yes.

11 Q. Tell me how you know -- we've already
12 discussed the armed sheriffs and whether they
13 were at the property on six separate
14 occasions to post notices, but tell me how
15 you know Mr. Toppin was caused undue
16 frustration, anxiety and mental anguish as a
17 result of those allegations?

18 A. Well, his actions started changing
19 during the process of the whole situation.
20 Because he smokes cigarettes, so he actually
21 was smoking more during this time of this
22 whole thing.

23 A few times -- I wouldn't say a few, I
24 would say a couple. A couple times I've come

Barrington Whyte
December 12, 2019

Page 60

1 home and the meal I set out in the microwave
2 or left on the table or whatever, still been
3 there more than any other time.

4 Normally when I get in that late --
5 normally he's probably asleep or something,
6 but I noticed that his light under his door
7 has been on.

8 Q. And what time frame are you noticing
9 these things? Let's start with the increased
10 smoking. When was it that he started smoking
11 more?

12 A. Well, that was actually, I want to say
13 after like the second time like when he
14 actually saw me with the notice in my hand.

15 Q. Which notice?

16 A. The second notice.

17 Q. Okay.

18 A. Because when I notice like after that
19 time, the smoking picked up more. I was
20 smelling it more heavier in the house.

21 Q. Did you notice anything like that
22 occurring before the property was sold at
23 sheriff's sale?

24 A. He would smoke probably one cigarette

Barrington Whyte
December 12, 2019

Page 61

1 a week, if anything.

2 Q. After the property was sold at a
3 sheriff's sale, was he still smoking one a
4 week?

5 A. Yes, it was one a week.

6 Q. And then when the Notice to Vacate
7 showed up, how much did he start smoking?

8 A. Well, it kind of -- I would say it
9 increased around that time. It was like
10 about three to -- three cigarettes maybe a
11 day at that point.

12 Q. Do you buy the cigarettes for
13 Mr. Toppin?

14 A. No.

15 Q. You say you work day to night when you
16 were working for the catering company, you
17 usually got home around 11, how do you know
18 how much he was smoking?

19 A. Well, the cigarette butts that were in
20 the house were not fully smoked all the way
21 down like people would smoke them. It was
22 like he put them out a quarter of it, it
23 looked like there was another one lit up. It
24 was probably about three or four in the

Barrington Whyte
December 12, 2019

Page 62

1 ashtray with the same length of the
2 cigarette.

3 Q. What brand?

4 A. Newports.

5 Q. Was it always the same brand for him?

6 A. Yes.

7 Q. Okay. Meals left out. Again, I
8 believe around this time you were generally
9 getting home from work pretty late; is that
10 correct?

11 A. Yes.

12 Q. And Mr. Toppin, was he awake when you
13 got home during this time frame that we're
14 talking about, back when the notices were
15 showing up?

16 A. Normally he wasn't but it was a few
17 times I seen his light under his door, like
18 when I come up, I have to walk passed his
19 door to get to my room. I would see under
20 the door his light was on and know that he
21 was still woke.

22 Q. Were there any other signs or symptoms
23 that you observed, besides the smoking and
24 the light under his door, and maybe an

Barrington Whyte
December 12, 2019

Page 63

1 uneaten meal here and there?

2 A. Just him, he never actually like paced
3 before. But that was another thing I noticed
4 also, it was kind of weird to me.

5 And then like it was only one time out
6 of that that he was telling me he had like a
7 little headache in his head. He just
8 indicated to me that he wanted a pill because
9 his head was hurting.

10 Q. How do you know that that was related
11 to what was going on with the notices, if at
12 all?

13 A. Well, it just all just collided around
14 all that same time, so I just assumed it was
15 from smoking more cigarettes at the point.

16 Q. If you turn the next page on what has
17 been marked as D-1.

18 A. Which one?

19 Q. I'm going to have you look at
20 interrogatory No. 17 which is the second one
21 there. It says, "Identify the compensatory
22 damages which you seek and the facts
23 supporting your claim for such damages."

24 In response to interrogatory No. 17 it

Barrington Whyte
December 12, 2019

Page 64

1 says, "Out of pocket expenses include all the
2 time I spent visiting my attorney's office to
3 stop the continuing violation of automatic
4 stay; lost potential income due to the time I
5 was unavailable to work as a result of
6 spending time at my attorney's office and
7 transportation costs to/from my attorney's
8 office." Do you see that information?

9 A. Yes.

10 Q. Now when the response uses the term
11 "I" and "my" quite a bit, is it your
12 understanding this refers to Mr. Toppin and
13 not you, correct?

14 A. Yes.

15 Q. So how do we know what days Mr. Toppin
16 took off from work? Do you have any record
17 of that?

18 A. No, I don't have any records of that.

19 Q. Did you have to make the phone calls
20 to his employer to say he needed time off?

21 A. Yes.

22 Q. So do you recall what days that
23 happened?

24 A. I don't remember exactly. It was more

Barrington Whyte
December 12, 2019

Page 65

1 than likely after the notice -- well, the
2 first notice when I had to contact my lawyer
3 to, you know, let him know whatever.

4 Q. He's your lawyer? Mr. Dunne is your
5 lawyer?

6 A. Yes. And to let him know about the
7 notices and everything like that.

8 Q. All right. But do you recall how many
9 times you went to Mr. Dunne's office?

10 A. I went there a lot of times myself. I
11 have been there a lot.

12 Q. Was Mr. Toppin with you every time you
13 went?

14 A. He was only with me a few times
15 because I didn't really want to keep pulling
16 him out of work every single time for it.

17 Q. Can you estimate the number of times
18 he had to go?

19 A. Probably about two.

20 Q. Okay. And on those two occasions that
21 you remember him going down to the attorney's
22 office, did you call out of work for him?

23 A. Yes.

24 Q. Who did you speak with, do you

Barrington Whyte
December 12, 2019

Page 66

1 remember? Does he have a supervisor?

2 A. The person -- I don't remember their
3 name. I don't remember their name at all.

4 Q. Okay. I think I'm done, but I want to
5 step out and go off the record a minute and
6 speak with my co-counsel here.

7 - - -

8 (Whereupon, a discussion was
9 held off the record.)

10 - - -

11 CROSS-EXAMINATION

12 - - -

13 BY MR. FILIPOVIC:

14 Q. I have a few questions just to follow
15 up. For the record, clarifying, my name is
16 Counsel Predrag Filipovic, I'm special
17 counsel for Lyndel Toppin.

18 Mr. Whyte, how are you?

19 A. Pretty good.

20 Q. I'm going to ask you a few follow ups
21 here. Same rules apply when answering my
22 questions as those asked by the Counsel
23 Harper there.

24 Mr. Whyte, is there anyone else in the

Barrington Whyte
December 12, 2019

Page 67

1 universe who you can think of now that is in
2 a better position to evaluate Mr. Lyndel
3 Toppin's behavior, his responses, and his
4 overall demeanor?

5 MS. HARPER: Objection. Calls
6 for an expert opinion. But you can
7 answer.

8 THE WITNESS: No. Besides his
9 mother, it's just me.

10 BY MR. FILIPOVIC:

11 Q. And his mother is no longer alive?

12 A. No, she's passed.

13 Q. She's passed, okay.

14 So is there anyone else in the
15 universe that has in the past interacted with
16 Mr. Toppin more frequently than yourself?

17 A. No.

18 Q. Is there anyone else in the universe
19 that you can think of that would be in a
20 better position to understand Mr. Toppin with
21 all his limitations --

22 MS. HARPER: Objection. Calls
23 for an expert opinion.

24 BY MR. FILIPOVIC:

Barrington Whyte
December 12, 2019

Page 68

1 Q. -- than yourself?

2 A. No.

3 MS. HARPER: My apologies,
4 counsel.

5 MR. FILIPOVIC: That's fine.

6 BY MR. FILIPOVIC:

7 Q. Mr. Whyte, is there anyone else in the
8 universe that you can think of, including
9 doctors, that has more direct knowledge of
10 Mr. Toppin's limitations --

11 MS. HARPER: Objection. Calls
12 for an expert opinion.

13 BY MR. FILIPOVIC:

14 Q. -- other than yourself?

15 A. No.

16 Q. Okay. That's all. I don't have
17 anything further.

18 - - -

19 REDIRECT EXAMINATION

20 - - -

21 BY MS. HARPER:

22 Q. Just one follow up in regards to that
23 line of questioning, Mr. Whyte.

24 Did you know if Mr. Toppin was seeing

Barrington Whyte
December 12, 2019

Page 69

1 any doctors in the past year?

2 A. No, he hasn't.

3 MS. HARPER: Okay. Also on
4 the record, counsel, I guess
5 because tape seems to become a
6 point here, I'd like to request on
7 the record that we be given access
8 to look at the actual notices that
9 I believe are in Mr. Dunne's
10 possession. And maybe we could do
11 that, I mean we are close, offices
12 are close. We could do that next
13 week, if that's okay?

14 MR. FILIPOVIC: I'm sorry,
15 what are you requesting?

16 MS. HARPER: The physical
17 notices, which I believe are in
18 Mr. Dunne's possession, we would
19 like to observe them personally.
20 We haven't had a chance to do that.
21 We've seen copies.

22 MR. FILIPOVIC: And these
23 notices are generated, created by
24 your client? Is that the notices

Barrington Whyte
December 12, 2019

Page 70

1 you want?

2 MS. HARPER: Well, you
3 remember there was a big thing
4 about whether they all came with
5 tape on them or not. I'm just
6 curious what I see. I can't see
7 any tape in the pictures so I would
8 like to take a look at them.

9 MR. FILIPOVIC: Yeah, we
10 provided the --

11 MS. HARPER: Copies.

12 MR. FILIPOVIC: -- the copies
13 that we have. And they are here
14 for you to take a look.

15 MS. HARPER: I've seen them.

16 MR. FILIPOVIC: But you're
17 asking to see the original?

18 MS. HARPER: Yes.

19 MR. FILIPOVIC: The originals?

20 MS. HARPER: Yes, just to take
21 a look.

22 MR. FILIPOVIC: I don't think
23 we would have a problem with that.

24 MR. DUNNE: No. No problem.

Barrington Whyte
December 12, 2019

Page 71

1 MR. FILIPOVIC: Aside from the
2 fact that it's -- we're beyond
3 discovery deadline and we have
4 motions to file and adhere to other
5 deadlines in the case.

6 MS. HARPER: We've talked
7 about that. We've broached that
8 subject.

9 MR. FILIPOVIC: Of this
10 actually --

11 MS. HARPER: Deadlines.

12 MR. FILIPOVIC: I'm talking
13 about this request you now have.
14 Have you ever had prior to today --
15 we don't mind providing notices so
16 long as it doesn't interfere with
17 the current deadlines in the case,
18 that's all I'm saying.

19 MS. HARPER: We can walk over
20 and look at them.

21 MR. DUNNE: In the spirit of
22 transparency, we're still waiting
23 for response to our discovery
24 request with respect to the log in

Barrington Whyte
December 12, 2019

Page 72

1 sheets and other documents that
2 have not been provided by the City
3 to date.

4 MS. HARPER: All right. So
5 maybe --

6 MR. FILIPOVIC: That's
7 correct.

8 MR. DUNE: Could you give us
9 an update on that?

10 MR. DOMER: We are going to be
11 here, we will speak one way or
12 another about that.

13 MS. HARPER: But I mean I made
14 the request, it's fine. If you
15 need a formal request or you need
16 something or you want to deny it
17 outright, that's fine too. That's
18 your prerogative.

19 MR. FILIPOVIC: No, we're
20 happy to provide them as long as
21 we're not extending, again, any
22 deadlines that are currently --
23 that we're under. Only because,
24 you know, you have seen the

Barrington Whyte
December 12, 2019

Page 73

1 originals -- or the copies that
2 were verified and you haven't made
3 the request that you're making now
4 within the discovery deadline. But
5 other than that...

6 MS. HARPER: I didn't see
7 tape. I didn't know there was tape
8 on them. That's why I'm looking.

9 MR. DUNNE: Did Barry testify
10 that he removed the tape? I don't
11 want to put words in your mouth.

12 MR. FILIPOVIC: Yes, he did
13 before he give them to you.

14 However, you were privy to
15 discuss the matter with your
16 client. They could have told you
17 about how they put notices on the
18 door.

19 MS. HARPER: Well, I'm not
20 going to tell you what my client
21 has told me, so...

22 MR. FILIPOVIC: Right.
23 Because I mean it comes back to the
24 fact they are your clients.

Barrington Whyte
December 12, 2019

Page 74

1 MS. HARPER: It's fine. It's
2 not a big deal to me. It's your
3 burden of proof.

4 So if you don't want us to see
5 it, fine, we can wait until trial.

6 MR. FILIPOVIC: That's fine.
7 I just don't want to move any
8 deadlines, that's all.

9 We're off the record then.

10 - - -

11 (Witness excused.)

12 - - -

13 (Deposition concluded at 11:30
14 a.m.)

15 - - -

Barrington Whyte
December 12, 2019

Page 75

C E R T I F I C A T E

I do hereby certify that I am a Notary Public in good standing, that the aforesaid testimony was taken before me, pursuant to notice, at the time and place indicated; that said deponent was by me duly sworn to tell the truth, the whole truth, and nothing but the truth; that the testimony of said deponent was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and correct record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this 27th day of December, 2019.

Michelle A. Landman

Notary Public

Barrington Whyte
December 12, 2019

Page 1

A	alleged 57:22	33:8 34:18	awake 62:12	67:20	card 53:18	57:20 58:7	comparison
a.m 1:19 50:7	allegedly	34:19	B	beyond 23:13	cards 53:21	63:23	51:14,23
50:8 74:14	34:24	35:21	B 3:12	71:2	care 26:12,13	clarify 49:18	52:14
a/k/a 1:10	35:21	58:23	B-R-O-O-...	big 28:17	26:16,17	clarifying	compensat...
ABDELDA...	50:23 51:5	59:12	20:2	70:3 74:2	carpentry	66:15	63:21
1:10	allow 12:12	as-needed	back 35:13	bill 55:21	15:23	clear 5:18	complaint
ABDELDY...	Alvita 25:9	16:1	39:12	56:1,4	case 11:6	6:12 8:4	3:16 30:13
1:10	25:17	ashtray 62:1	52:19	bills 55:14	14:3 22:22	50:1	33:13
ability 6:12	Amended	Aside 71:1	53:22	56:8,11	23:18 24:9	client 34:10	56:17
20:7	3:16	asked 14:5	55:11	birth 8:1	31:12 54:7	69:24	complies
able 5:10	amount 59:3	35:9 50:17	56:15,24	bit 11:21	71:5,17	73:16,20	39:23
21:14	anguish 59:4	53:1 66:22	57:13	52:22	catches 27:8	clients 73:24	computer-a...
22:21 27:4	59:16	asking 24:5	62:14	55:12	caterer 37:19	close 56:3	75:11
absolute	answer 6:2	70:17	73:23	64:11	catering	69:11,12	concluded
50:21 51:1	12:3,12	asleep 60:5	bank 53:17	bits 24:10	15:10,17	closes 35:24	74:13
access 69:7	13:6 14:6	asserted	banking	blood 19:4	17:5 38:6,7	36:1,3	conduct 5:4
account	14:15	34:10	53:13 54:9	25:12	38:10	clothes 27:19	confusion
53:17	23:16,20	assist 11:17	bankruptcy	bolded 39:15	61:16	co-counsel	5:16
accurate 5:21	50:12,13	12:21	1:2,5 30:13	40:4	cause 28:3	66:6	contact 65:2
14:21	58:1,4,11	26:20	31:12 32:4	Bon 16:16	caused 59:2	collided	continue 32:4
accuse 50:16	58:16 67:7	27:17	Barrington	Boulevard	59:15	63:13	continuing
action 75:15	answered	31:16	1:14 3:5	1:17 2:17	causes 5:15	come 29:11	33:11 64:3
actions 59:18	14:5 24:4	52:22 53:2	4:2 6:17	25:3	cell 20:24	33:3,9,15	contractor
activities	35:9 50:17	associated	Barry 23:13	brand 62:3,5	21:2,9 27:9	36:14,19	16:5
23:14	answering	44:19 47:3	73:9	brief 50:6	27:10,12	37:20	contraventi...
26:21	66:21	ASSOCIA...	basic 22:7	bring 9:1	certain 35:24	40:22	32:8
27:18	answers	1:22	43:23	broached	certainty	59:24	contribute
actual 48:21	11:18 34:5	assumed	Basically	71:7	50:21 51:1	62:18	56:7
69:8	anxiety 59:4	43:18	24:16	broke 29:9	certification	comes 73:23	conversation
address 6:18	59:16	63:14	27:19	Brooks 20:2	4:14	coming 45:7	5:15
7:3,11,15	anybody 8:12	assuming	basis 16:1	brother	certify 75:2	comings	conversatio...
7:18 13:5	49:24	44:11	26:19	18:11,20	chance 69:20	36:13	11:15
14:9,19	apologies	ATM 54:1	54:15,16	building 1:16	changing	commands	convey 24:8
25:21	68:3	attention	bathroom	2:17 26:6	59:18	22:7	24:12
addresses	apologize	56:22	22:9,10,11	26:12	Chapter 1:4	commencing	cook 38:2
9:13 13:3,8	7:20	attorney 4:23	bedroom	bunch 39:15	checking	1:18	cooking 15:8
14:17	apparently	11:22	28:19,22	burden 74:3	21:4	Commonw...	copies 10:14
adhere 71:4	42:18	33:12,23	behavior	business 36:9	chest 52:12	1:21	30:19
Adv 1:8	appear 40:4	47:18	67:3	busted 29:10	children 19:2	communicate	69:21
aforesaid	appeared	attorney's	belief 34:7	butts 61:19	Christian	20:7 22:6	70:11,12
75:3	58:24	64:2,6,7	believe 16:16	buy 53:8	9:18	27:13	73:1
afternoon	appears 11:6	65:21	17:18	61:12	cigarette	44:13 45:1	copy 42:11
42:2	11:18	attorneys	20:23	C	60:24	45:4	correct 7:6
ago 25:2,20	31:17	11:16	23:21	C 2:1 75:1,1	61:19 62:2	communica...	9:5 14:3,10
25:23	40:15	33:15	32:19 34:4	calendar	59:20	22:13	14:13,15
29:10,12	apply 66:21	Au 16:16	52:10	42:7,10	61:10,12	communica...	19:21 20:7
agreed 4:11	applying	automatic	54:14,16	call 65:22	63:15	23:13 28:2	20:24 39:6
ahead 12:15	54:18	57:23 64:3	55:19	calls 64:19	circulate	communica...	39:10 40:8
alcohol 6:11	appointed	Avenue	56:19	67:5,22	42:8	23:9	40:12,20
alive 55:1	20:22	24:22	57:15 62:8	68:11	City 1:9 2:15	company	45:16 49:9
67:11	approximate	average	69:9,17	cameras 49:3	4:23 10:7	15:10,17	54:1 56:20
allegations	13:7 44:5	55:22 56:1	bell 25:7	canceled 38:2	11:8 72:2	17:6 61:16	62:10
59:17	armed 32:5	56:5	better 67:2	caption 11:7	claim 31:12	compared	64:13 72:7
	32:15 33:7					51:13	75:13

Barrington Whyte
December 12, 2019

Page 2

correctly 75:9	dates 13:7 39:15,22	9:5 50:8 74:13	62:17,19,20 62:24	44:18,20 47:5 49:8	34:9 47:22 63:22	28:14 41:11	G
costs 64:7	40:3,8,11	75:12	73:18	49:10	fair 12:4	43:13,17	gas 29:17
couch 44:10	40:16,21	derived 34:11	doorbell 48:23 49:1	ESQUIRE 2:4,10,16	15:16	44:11	30:3 56:1
45:6	45:2 50:19	describe 20:9	drugs 6:11	2:16	49:11	45:10	general 5:24
counsel 3:17	day 17:7	28:6,11	duct 43:23	essentially 17:17	familiar 18:15	46:17	23:10
4:11 6:10	23:14 35:6	51:19	due 64:4	estimate 14:12	family 16:8	49:12	36:13
10:13,16	35:6 36:8	DESCRIP... 3:14	duly 4:3 75:6	65:17	far 19:17	57:19 65:2	generally 12:10
11:20	37:19,21,24	different 24:6 37:17	DUNE 72:8	evaluate 67:2	23:7,8	fits 31:4	37:20 38:8
30:20,24	38:3 41:23	dining 46:19	Dunne 2:9,10	everybody 5:17	father 18:6	five 13:4	38:18 62:8
35:14	42:5,19,19	46:21	31:3 48:7	Eviction 59:2	20:3	14:18 25:1	generated 69:23
50:16 57:3	44:8 46:20	direct 32:7	48:10 65:4	exact 44:17	February 8:2	36:10,11	gesturing 52:5,11
66:16,17,22	61:11,15	68:9	70:24	exactly 16:19	feeling 36:16	fix 29:11	getting 5:18
68:4 69:4	75:18	direction 52:8	71:21 73:9	44:3 64:24	file 71:4	flip 21:10	38:20
couple 59:24	day-to-day 26:19	discovery 34:12 71:3	Dunne's 65:9	EXAMINA... 3:7 4:19	filed 46:5,6	focus 41:4	40:24 41:2
59:24	52:23	71:23 73:4	69:9,18	68:19	48:17	folder 46:7,9	62:9
court 1:2 5:6	days 17:9	discuss 73:15	E	examined 4:3	48:17	46:11	give 6:12
30:13	35:11 41:1	discussed 59:12	E 2:1,1 3:2,12	example 22:9	filing 4:14	48:17	7:24 9:8,13
32:11 52:6	50:22 51:4	discussion 10:2 55:7	75:1,1	excused 74:11	Filipovic 2:3	folks 21:12	72:8 73:13
cousin 25:10	51:10,21	66:8	earlier 37:16	Exhibit 10:10	2:4 3:9 4:8	follow 66:14	given 34:1
cover 57:18	51:10,21	dishwasher 16:13	38:14	10:14,21	10:18	66:20	43:1 69:7
created 69:23	64:15,22	distress 57:21	early 38:1	30:15 31:8	11:20 12:5	68:22	75:13
CROSS-E...	DE 1:24	58:8,19	EASTERN 1:3	42:9 52:19	12:9,13	follows 4:4	gives 22:10
66:11	deadline 71:3	DISTRICT 1:3	eating 27:2	Exhibits 3:17	14:4 22:24	forget 41:1	giving 5:3
curious 7:16	73:4	doctors 68:9	27:16	31:1	23:5,19	form 4:16	go 9:23 12:15
70:6	deadlines 71:5,11,17	69:1	52:24	expect 36:5	24:3 31:4	formal 72:15	22:10
current 6:18	72:22 74:8	document 11:2,12,19	eight 19:18	expenses 64:1	33:10,18,21	forth 58:18	35:13
7:11 71:17	deal 74:2	30:19,21	38:3,4	experienced 57:21 58:8	34:2,14	forward 8:4	39:12 50:2
currently	debtor 1:5	31:11,14,17	either 54:13	expert 23:2,2	35:8,12	four 61:24	53:15,24
15:2 29:4	32:18	31:24	el 27:8	23:4,7,23	42:12	frame 17:13	55:5 65:18
72:22	debtor's 32:6	39:13	Eleanor 18:5	67:6,23	47:19,21	37:16 39:9	66:5
	32:16	40:10	18:12,19,21	68:12	50:2,24	60:8 62:13	goes 23:8,12
D	deceased 19:21	documents 72:1	19:1,20	explain 18:14	57:6,10,14	requent 40:22	going 5:3
D 3:2	December 1:12 75:18	doing 4:24	electric 29:15	19:7	66:13,16	frequently 67:16	10:13 11:5
D-1 3:15	46:11	5:1 16:7	30:6	express 32:10	67:10,24	Friday 17:18	12:12
10:10,14,21	decision 9:1	DOMER 2:16 55:4	elementary 20:16	extending 72:21	68:5,6,13	37:13 39:5	23:11
11:3 56:18	Defendant 10:6 11:8	72:10	embarrassi... 41:3	F	69:14,22	42:15,16	31:24
56:18,20	defendants 1:11 2:21	door 28:16	emotional 57:21 58:8	face 28:23	70:9,12,16	53:14	32:14
63:17	32:4	28:16 33:5	58:19	faces 29:2	70:19,22	Fridays 54:4	33:10
D-2 3:16 30:9	demeanor 67:4	41:17,18,19	employ 32:4	fact 33:17,20	71:1,9,12	FRIENDS 1:23	50:11,16
30:15,19	deny 72:16	43:5,19	employer 64:20	33:21 71:2	72:6,19	front 28:6,9	52:8,18
31:8 39:13	department 2:15 29:11	44:2 60:6	employment 16:12	73:24	73:12,22	28:11,13,22	53:3 55:11
52:19	deponent 75:6,9		energy 56:4	facts 5:23	74:6	41:17,18	56:22
56:16	deposition 1:14 5:5		envelope 43:6,7 47:3		fine 4:8 24:6	43:5,18	63:11,19
daily 26:21			envelopes		39:21	frustration 59:3,16	65:21
27:18					50:14 68:5	full 6:15	66:20
damages					72:14,17	42:19	72:10
63:22,23					74:1,5,6	fully 61:20	73:20
Darby 25:4,6					finish 5:12	further 68:17	goings 36:13
date 7:24					first 3:15 4:3		good 5:1,2
41:12					5:6 10:7		66:19 75:3
42:21,22,24					11:5,9		
44:5 72:3					19:12		

Barrington Whyte
December 12, 2019

Page 3

grandmother 18:17,18 19:8,20 grandson 19:10 grocery 53:5 53:10 guaranteed 17:22 guardian 20:22 guess 5:24 6:7 39:18 42:18 57:17 69:4 gun 51:10,12 51:16	66:23 67:5 67:22 68:3 68:11,21 69:3,16 70:2,11,15 70:18,20 71:6,11,19 72:4,13 73:6,19 74:1 HASSAN 1:10,10 head 5:9 45:9 45:12,13 63:7,9 headache 63:7 hear 20:11 21:22,23 36:24 hearing 21:21 heavier 60:20 held 1:15 10:3 54:19 55:8 66:9 helping 26:13 helps 57:14 history 28:1 hold 44:14 home 9:17 24:18 25:16 26:7 26:9,10,11 32:22 36:5 36:15,19,21 37:5,20,23 38:7,8,18 42:3 50:22 51:3 58:24 60:1 61:17 62:9,13 hours 17:19 35:7,13,16 35:19 38:14 house 28:19 29:4,23 36:17 44:8 44:22 46:11 47:7 48:16 49:4 53:8 55:14 56:11	60:20 61:20 Hughes 25:9 25:17 hurting 63:9 I ideas 23:10 identification 10:9 30:14 Identify 63:21 impair 6:12 important 5:21 include 30:24 64:1 included 52:23 includes 39:21 including 68:8 income 64:4 increased 60:9 61:9 indicated 63:8 75:5 indication 22:11 inducting 23:16 information 11:18 12:1 13:15,22 31:17 33:2 33:3,6,9 40:15,20 41:6 54:21 58:3 59:7 64:8 informed 58:4 ingest 6:11 inside 41:18 44:8 47:7 instructions 5:4 intend 42:9 interacted 67:15 interest 5:17 interested 75:16	interfere 71:16 interrogato... 3:15 10:8 11:9 12:2 12:22 interrogato... 13:1,6,10 13:12 14:16 56:23 57:1 57:4,5,19 58:4,12,13 58:17,22 59:8 63:20 63:24 involvement 8:24 54:17 Irregardless 34:2 irritating 40:24 J JEWELL 1:8 job 15:1 16:14 17:5 35:23 37:17,20 38:6,8,10 39:5 53:18 54:19,22 jobs 15:21,24 53:20 John 1:16 2:17 JOSHUA 2:16 JOSHUA.... 2:20 July 15:16,18 15:19 17:4 29:20 30:1 30:4,7 37:17 39:9 June 40:7,7,7 44:21 46:13,16,17 47:6 50:19 50:20,20 K keep 5:8 65:15	Kennedy 1:16 2:17 kept 45:23 46:5 kin 75:15 kind 21:6 27:23 40:23 43:22 57:18 61:8 63:4 kindergarten 20:17 know 5:6,20 5:21 6:2,2 7:21 8:18 9:19 10:22 11:14 16:11,13,15 16:17,19 17:11,16,19 17:21 18:7 19:3 20:4 20:15,19,21 21:11 22:10,16,19 25:5 26:6 26:15,24 27:2 28:1,3 34:6 35:4 35:10 36:7 36:10,15 40:19,23 42:7 43:3 43:16 44:12 45:14 46:23 48:2 48:4,5 49:1 49:24 50:13,14 51:3,7,9 54:9,11 55:13 56:24 59:11,15 61:17 62:20 63:10 64:15 65:3 65:3,6 68:24 72:24 73:7 knowledge	21:22 32:3 68:9 known 20:13 kosher 48:18 L Landman 1:19 75:19 Lane 1:23 25:6 language 22:14,15,17 Lansdowne 24:22 lastly 56:4 late 60:4 62:9 LAW 2:3,9 2:15 lawsuit 9:4 24:15 lawyer 41:6 65:2,4,5 leave 38:11 38:13,21,23 left 38:10,19 47:16 48:17 49:6 60:2 62:7 leg 27:24 52:24 legal 20:21 legs 27:23 length 62:1 let's 39:12 56:18 60:9 life 19:16 52:23 light 60:6 62:17,20,24 Lillian 19:24 limitations 20:6,10 28:2 67:21 68:10 line 32:9 68:23 lit 61:23 little 11:21 15:23 34:15 51:13 52:21 55:12 63:7 live 24:24	36:12 lived 7:13 8:14,19 9:7 9:9,20 13:4 13:23 14:9 14:13,18,19 24:19,21 25:4,14,16 lives 7:21 8:9 living 9:8 26:22 27:18 located 16:18 16:20 locations 7:8 log 71:24 long 8:14,18 15:4,12 16:10,21,23 36:1 40:3 71:16 72:20 longer 67:11 look 10:20 30:22 35:15 39:14,22,24 42:11 48:18 56:17,18,18 63:19 69:8 70:8,14,21 71:20 looked 43:10 44:15 61:23 looking 28:8 28:13 42:6 45:12 56:15 73:8 looks 28:12 lose 46:8,10 lost 64:4 lot 65:10,11 lucky 37:2 Lyndel 1:4,6 8:11 13:19 18:15 25:11,14 32:19 43:1 58:9 66:17 67:2 M	M 2:9,10 MAC 53:15 54:5 machine 53:15,24 54:5,6 75:9 main 41:4 making 73:3 mark 30:9 42:9 marked 10:8 10:14,21 11:2 30:14 30:18 31:8 39:13 52:19 56:16 63:17 Market 2:4 2:10 massage 27:23 52:24 matter 73:15 meal 27:16 60:1 63:1 meals 27:1,15 62:7 mean 6:22 19:8,16 41:7,8 69:11 72:13 73:23 means 32:21 medical 23:2 26:17 meeting 19:12 Megan 2:16 4:22 MEGAN.H... 2:19 members 16:8 men 22:10 mental 59:4 59:16 mention 9:9 mentioned 7:17 37:21 53:23 method 22:12 Michelle 1:19
--	---	--	---	---	--	---	--

Barrington Whyte
December 12, 2019

Page 4

75:19 microwave 60:1 mind 71:15 minute 66:5 misunderst... 54:3 moment 39:22,24 Monday 17:18 36:20,21 39:5 money 54:1,6 54:7 56:13 month 15:6 56:2,5,6 73:11 morning 17:7 37:22 38:11,16 39:3 mother 9:15 18:4 19:24 20:23 26:13,14 54:23 55:1 67:9,11 motions 71:4 move 74:7 Municipal 1:15 2:17	neither 75:14 never 19:10 49:13 63:2 Newports 62:4 NEWTOWN 1:23 night 17:8 36:1 37:3,5 37:19,22 38:4 46:21 61:15 nine 39:2 NJ 1:24 Nods 5:9 normal 37:24 normally 60:4,5 62:16 Notary 1:20 75:2,21 notice 1:15 32:3 41:10 41:11,15,20 41:24 42:23 43:8 43:10,11,12 43:14,17 44:1,5,6 45:15,19 46:3,13,18 49:12,13,18 49:22 50:22 51:4 51:24 52:13 60:14,15,16 60:18,21 61:6 65:1,2 75:5 noticed 60:6 63:3 33:5 notices 33:5 40:11,16 45:3 47:15 48:3,6,6,9 48:21 49:6 50:1 59:1 59:14 62:14 63:11 65:7 69:8,17,23 69:24 71:15	73:17 Notices' 59:2 noticing 60:8 number 3:14 27:9 65:17 numbers 53:16 nursing 26:7 26:9,10,11 NY 1:24 O Object 22:24 objected 12:6 12:8,10 objection 12:14 23:20 33:11 34:5 35:8 47:19 50:24 67:5 67:22 68:11 objections 4:15 observe 20:10 41:23 44:6 44:9,21 69:19 observed 41:16,20 42:23 43:9 43:16 49:13 62:23 obtaining 54:18 occasion 43:2 occasions 32:7,17 33:3 34:23 59:14 65:20 occurring 60:22 October 15:15,18,19 17:3 29:19 30:1,3,6 37:16 39:9 odd 15:23 office 31:13 64:2,6,8	65:9,22 offices 2:3,9 69:11 official 22:13 22:15 75:17 okay 5:11 6:8 6:15 7:2,5 8:9,21 9:7 9:17 12:11 12:24 13:17 14:2 14:8 15:1 15:15 18:18 20:5 20:9 21:11 23:24 26:15 27:21 28:6 28:18 32:20 34:16 39:8 39:12 45:14 46:16 47:24 49:11,16 50:3,15 51:18 52:16 53:19 54:3 55:16 57:10,15 60:17 62:7 65:20 66:4 67:13 68:16 69:3 69:13 old 17:21 older 18:1 once 27:24 30:21 open 35:24 36:9 opinion 67:6 67:23 68:12 opportunity 10:22 11:1 31:7 56:19 Oral 1:14 orders 32:10 original 70:17	originals 70:19 73:1 outcome 75:16 outright 72:17 outside 49:4 overall 67:4 oversees 26:17 P P 2:1,1 p.m 38:5 PA 1:24 13:14 paced 63:2 page 3:4,14 11:6 13:1 31:19,20 39:12 57:4 57:9,12 63:16 paid 53:14 54:4,11,14 pain 16:16 27:23 paper 43:1 43:21 52:1 52:11 paragraph 31:23 32:1 39:14 parents 18:11 19:23 part 32:14 particular 16:5 45:7 particularly 53:7 parties 4:12 party 75:15 passed 62:18 67:12,13 passing 30:18 pay 55:13,16 paychecks 53:20 paying 56:10 payment 56:7 pays 55:14 PECO 56:4 peeked 52:2	Pennsylvania 1:3,18,21 1:23 2:5,11 2:18 6:20 people 61:21 period 15:22 29:8,12 person 51:19 52:15,16 66:2 personal 32:6 32:16 personally 17:3 26:23 34:22 43:24 49:15 69:19 PFEsq@ifi... 2:6 Philadelphia 1:9,17 2:5 2:11,15,18 4:24 6:19 13:14 25:24 26:1 26:3 32:5 32:15 33:8 34:18 58:24 Philadelphi... 10:7 11:9 Philly 26:8 phone 20:24 21:2,7,9,10 27:9,10,12 64:19 photos 48:20 physical 69:16 physician 26:16 picked 45:6 60:19 pictures 70:7 piece 52:11 pieces 24:10 43:20 pill 63:8 pipe 29:9,10 place 75:5 placed 32:2 41:9 plaintiff 1:6	2:7,13 9:3 13:19 14:2 Plaintiff's 10:5 11:7 plan 27:2,16 27:16 52:24 pleading 33:19 please 5:12 5:20 12:20 12:24 30:10,22 39:18,20 58:17 pocket 64:1 point 8:4 20:16 29:9 41:3 47:15 48:3 51:18 57:3 61:11 63:15 69:6 pointed 52:1 posed 14:16 position 67:2 67:20 possession 49:7 69:10 69:18 possible 5:18 5:22 possibly 33:15 34:1 post 59:14 posted 40:11 40:16 41:7 41:18 42:23 44:1 44:22 49:13,19,20 49:21 50:23 51:5 59:1 posting 50:1 potential 64:4 Predrag 2:3 2:4 66:16 prepared 38:21 preparing 27:15 prepped 6:10 prerogative	72:18 present 13:5 14:19 presumes 47:22 pretty 40:3 43:4 46:24 54:23 62:9 66:19 previously 56:20 primary 26:16 prior 9:12,20 15:7 71:14 privilege 11:23 privy 73:14 probably 7:19 8:20 19:18 35:3 36:9 37:1 37:24 38:3 39:2 50:16 60:5,24 61:24 65:19 problem 70:23,24 Proc 1:8 process 32:5 45:11 59:19 product 11:22 33:12,23 Professional 1:20 proof 74:3 property 8:3 8:6,15,19 9:8,9,21 14:20 28:7 28:12 29:13 32:23 34:24 35:22 38:19 40:12,17 41:12 42:23 44:6 49:14,19,22 51:20
--	---	--	--	--	---	---	--

Barrington Whyte
December 12, 2019

Page 5

55:16	50:12	68:22	5:13	71:18	sense 16:10	62:15	13:13 26:3
59:13	52:21 53:4	regular 21:9	response 6:1	says 11:7	36:13,15	side 43:20	26:7 28:7
60:22 61:2	66:14,22	21:10	6:5 13:1,12	13:2,13,18	sentence 32:1	sidewalk 28:8	speak 5:23
provide	quite 64:11	28:16 36:2	58:22 59:8	32:1,15,21	32:12	28:9	21:18
13:15		regularity	63:24	33:7 42:15	39:19,21	sign 22:8,13	65:24 66:6
40:14 48:6	R	36:19	64:10	57:20 58:7	40:1,15	22:15,16	72:11
58:3 59:7	R 2:1 75:1	regularly	71:23	58:16,23	separate 32:7	significance	speaking
72:20	re-form 6:3	17:16	responses 5:8	63:21 64:1	32:17 33:2	7:16	13:21,24
provided	reached 57:1	related 19:4	10:6 11:7	schedule 17:5	59:1,13	signing 4:13	17:2 21:15
13:22 48:9	read 22:19,20	25:11	12:22 67:3	17:12,17	series 50:11	signs 62:22	21:16
70:10 72:2	31:24	63:10	restate 12:18	scheduled	Serve 15:11	silver 43:20	special 21:6
providing	39:18,20	relationship	restaurant	16:2,3	15:12	similarity	66:16
11:17	reading 4:13	18:8,14,15	16:14,15,17	17:17	service 29:5,7	51:15 52:1	specific 50:18
12:21	ready 10:17	remember	restroom	schick 19:11	Services 1:16	single 65:16	53:4
31:16	really 17:14	19:12	50:3	school 20:15	2:17	sister 18:12	spending
71:15	17:22	25:22,24	result 57:22	scope 6:4	SERVING	sitting 52:9	64:6
province	19:10	26:4 64:24	59:17 64:5	33:23	1:24	situation	spent 64:2
23:1,6	25:22	65:21 66:1	resumed 50:8	screen 28:16	set 3:15 10:8	59:19	spirit 71:21
public 1:20	40:24 41:2	66:2,3 70:3	retained 3:17	41:19	11:9 27:2	six 15:13 25:1	squiggly 32:9
36:22 75:3	45:11	remembering	review 10:23	seal 75:17	58:18 60:1	28:15 32:2	standing 34:5
75:21	65:15	41:4	11:2 31:8	sealing 4:13	seven 17:9	32:7,17	75:3
pulling 65:15	recall 41:24	removed	56:20	second 3:16	28:15	33:2 34:23	stands 32:9
purpose 31:5	64:22 65:8	73:10	right 23:24	9:24 43:14	38:13,15,16	40:8 59:1	start 5:3,13
46:9	recess 50:6	repeat 12:15	28:17 31:3	45:5,11,19	shaking 45:8	59:13	5:14 53:22
purposes	recollection	33:11	34:8 40:14	55:5 60:13	45:13	smelling	60:9 61:7
10:9 30:15	19:13	rephrase	46:2 52:18	60:16	sheets 72:1	60:20	started 59:18
pursuant	record 5:10	34:15	56:15	63:20	Sherbrook	smoke 60:24	60:10
1:15 75:4	5:16,18,22	reporter 1:20	57:11,17	section 26:2	25:3	61:21	starts 57:4,6
put 24:17	6:16 9:24	5:7 52:6	65:8 72:4	32:8,9	sheriff 1:9	smoked	state 6:15
33:5 41:5	10:3 23:21	Representing	73:22	security 49:3	10:6 11:8	61:20	13:3 14:17
44:12 46:7	35:14	2:7,13,21	ring 25:7	see 11:10	24:16	smokes 59:20	stated 13:5
46:11,15	47:23 55:5	request 69:6	48:23 49:1	13:2,9 21:3	sheriff's	smoking	42:22 53:3
52:1 53:20	55:8 64:16	71:13,24	room 1:17	31:20	31:13	59:21	statement
53:23 54:1	66:5,9,15	72:14,15	2:18 28:18	32:12 33:7	57:22	60:10,10,19	34:18
61:22	69:4,7 74:9	73:3	29:1 43:14	34:21	60:23 61:3	61:3,7,18	statements
73:11,17	75:13	requested	45:16,24	39:16 43:6	sheriffs 32:6	62:23	24:17
putting 41:1	recorded	12:2	46:20,22	49:24	32:16 33:6	63:15	states 1:2
	75:9	requesting	62:19	57:20,23	33:8 34:19	sold 60:22	13:3 14:19
Q	recording 5:7	69:15	rules 66:21	58:12,14,20	35:21	61:2	30:12
quarter	records	reserved 4:17	rush 10:24	59:4 62:19	58:24	somebody	stating 14:22
61:22	64:18	reside 7:2,4,5	Ruskin 25:6	64:8 70:6,6	59:12	36:16	stay 32:10
question 4:16	REDIRECT	7:8		70:17 73:6	shield 51:13	51:12	35:24
5:13,19 6:3	68:19	resided 6:23	S	74:4	51:17,23	son 18:22,23	57:23 64:4
6:4,6,9	refer 8:3 11:5	13:7,8,13	S 2:1 3:12	seeing 68:24	52:11,15	sorry 6:22	staying 9:15
12:16,19	12:24	residence	sake 31:2	seek 63:22	shopping	29:22	stays 36:9,10
13:3 14:16	32:14	32:6,16,21	sale 60:23	seen 11:12	53:5,10	47:11	step 66:5
23:6,8,22	52:18	residing 9:14	61:3	31:14	shorthand	69:14	STEPHEN
24:6 34:15	referring 8:6	9:20	saw 41:11	52:14	75:10	sort 6:5 20:6	2:9,10
47:20,22	13:19 58:9	respect 9:4	45:5,8,21	62:17	show 38:2	21:6 22:12	Stephen@d...
58:7	refers 64:12	21:24 22:5	46:3,14,17	69:21	showed 51:22	26:21	2:12
questioning	regard 5:4,19	71:24	51:9,12,22	70:15	52:2 61:7	South 6:19	steps 28:14
68:23	regarding	respective	60:14	72:24	showing	6:21,23 7:6	28:15
questions 5:8	40:16	4:12	saying 18:20	sending 32:5	51:15 52:7	7:9,12,17	stipulated
6:1 23:17	regards	responding	36:8 51:11	32:15 33:8	52:13	7:21 8:6,9	4:10

Barrington Whyte
December 12, 2019

Page 6

stipulations 4:7	T T 3:12 75:1,1	term 41:8 64:10	51:19 55:2 55:19	68:10 train 27:8	32:18,20 34:9 67:20	W wait 5:12	54:16 weeks 32:2
stop 64:3	table 46:20	terms 21:15 21:21	59:21 60:3 60:8,13,19	transcribed 75:10	understand... 13:18	74:5	weird 63:4
street 2:4,10 6:19,21,24 7:6,9,12,17 7:22 8:7,10 9:18 13:14 26:5 28:7 28:23 29:2	46:22 47:9 60:2 take 10:20,23 26:13 30:22,22 35:14 36:1 36:22 39:22 47:14 48:14 52:6 54:4 55:4 56:17,18 70:8,14,20	testified 4:4 testify 73:9 testimony 6:12 75:4,8 75:13 text 21:12,13 Thank 42:13 thanks 5:2 thereof 75:16 thing 51:13 59:22 63:3 70:3 things 27:1 60:9 think 5:17 12:3 16:9 24:11 37:15,17 39:2,6 40:5 48:11,11 53:2,18,23 66:4 67:1 67:19 68:8 70:22 thinking 7:19 third 13:1 57:12 thought 48:13 three 28:14 40:5 61:10 61:10,24 Thursday 1:12 37:11 time 4:17 9:16 10:23 15:22 17:12,15 21:4 27:20 27:20 29:8 30:22 35:24 36:4 36:5,7,20 37:16,19,22 38:11,21,23 39:9 41:14 41:23 43:13,15 45:7,13 47:15 48:3	61:9 62:8 62:13 63:5 63:14 64:2 64:4,6,20 65:12,16 75:5 times 41:5 59:23,24 62:17 65:9 65:10,14,17 to/from 64:7 today 5:5 6:13 8:22 9:1 13:17 71:14 told 73:16,21 top 25:22 31:20,23 57:8,19 Toppin 1:4,6 8:11,18,21 9:3,19 13:19,24 14:12 16:9 17:21 18:9 18:16 19:5 19:13 20:6 23:12 24:8 24:19,21 25:11,14 26:15,21 35:2 38:8 38:18 45:2 48:2 50:12 50:22 51:18 52:10,22 53:6,13 54:18 56:7 58:9 59:15 61:13 62:12 64:12,15 65:12 66:17 67:16,20 68:24 Toppin's 17:12 32:3 55:13 67:3	transcription 75:12 transfer 41:6 transparency 71:22 transportat... 36:23 64:7 trial 4:17 74:5 tried 24:8 true 29:19 39:8 75:12 truth 75:7,7 75:8 try 6:3,4,7 26:23,24 34:16 45:1 51:19 52:7 trying 5:22 5:23 24:12 Tuesday 37:7 turn 31:19 52:8 56:22 63:16 two 25:20,23 29:10,12 38:13 43:20 51:14,15 52:14 65:19,20 type 53:16	understand... 13:18 16:21 19:17 20:5 23:12,17 24:14 31:11 38:22 52:4 58:6 64:12 understands 22:16 24:11 understood 45:10 undue 59:3 59:15 uneaten 63:1 United 1:2 30:12 universe 67:1 67:15,18 68:8 update 72:9 Upper 25:4,6 ups 66:20 use 21:2 27:12 uses 21:4,11 64:10 Usual 4:6 usually 17:14 35:5 36:20 37:5 61:17 utilities 29:15 29:21	wait 5:12 74:5 waiting 71:22 waived 4:14 walk 28:14 62:18 71:19 want 5:24 11:14 25:1 42:11 60:12 65:15 66:4 70:1 72:16 73:11 74:4 74:7 wanted 63:8 warehouse 15:3,5 wary 11:16 wash 27:19 wasn't 7:19 12:7 13:20 16:3 35:1 35:15 43:8 62:16 water 29:4,7 29:9,11,12 29:23 55:21 way 20:12 27:13 44:16,17 61:20 72:11 we're 5:22,23 8:4 9:4 62:13 71:2 71:22 72:19,21,23 74:9 we've 10:14 24:18 59:11 69:21 71:6 71:7 Wednesday 37:9 week 17:9 54:12 61:1 61:4,5 69:13 weekly 54:15	were 16:2 33:16 34:23 42:18 Whyte 1:14 3:5 4:2,22 6:17 10:20 11:1 12:21 23:9 31:7 55:11 66:18,24 68:7,23 WILLIAMS 1:8 window 28:17 29:1 winters 29:10 witness 3:4,6 35:17 39:23 67:8 74:11 75:14,17 woke 62:21 words 5:7 21:19 73:11 work 11:22 11:22 15:3 15:7,12 16:2 17:12 17:14,17 26:24 27:4 33:12,23 35:5,6 38:23 42:3 61:15 62:9 64:5,16 65:16,22 worked 15:4 16:6,11,22 16:23 35:20 37:21 working 15:17 16:10 37:18 42:19 61:16
symbol 51:16 symptoms 62:22	ten 8:16 9:10 9:12 14:9 19:18			U U.S.C 32:8 Um-hum 9:11 21:17 49:23 unavailable 64:5 uncle 18:10 18:16 46:24 underlined 39:15 40:5 underneath 11:6 understand 5:20 8:7 22:21	V Vacate 61:6 Vacate' 59:1 varies 36:22 36:23 verbal 5:9 verified 73:2 violation 64:3 violations 57:22 vision 41:9 visiting 64:2 volume 31:1 vs 1:7		

Barrington Whyte
December 12, 2019

Page 7

works 35:7	58:17	30:4,7	66 3:9				
35:11,23	1401 1:16	37:17 39:9	68 3:8				
36:8	2:17	40:6,6,6,7,7	6936 25:6				
wouldn't	1425 6:19,21	40:7 42:10					
46:7 51:11	6:23 7:12	42:16	<u>7</u>				
59:23	7:17,21	2019 1:12	7 40:7				
write 22:1	146 6:22 7:5	75:18	7th 47:6				
writing 21:24	7:9 8:6,9	215 1:24	50:20				
	13:13 28:7	215-551-7109					
<u>X</u>	15 8:20 14:13	2:11	<u>8</u>				
X 3:2,12	56:23 57:1	215-685-0503	80-90 56:3				
	57:5,7,18	2:19					
<u>Y</u>	58:13,23	24 40:6	<u>9</u>				
yeah 7:10	59:8	24th 42:21	9:00 38:3,4				
18:3 52:17	150 56:6	44:1 45:19	9:45 1:19				
70:9	1515 2:10	50:19					
year 55:18	164 25:3	25 8:2					
69:1	17 63:20,24	267-507-6084					
years 8:16	1735 2:4	2:5					
9:10,12	18 40:6	27th 75:18					
13:4,15,23	18-13098 1:5						
14:9,13,18	18000137 1:9	<u>3</u>					
14:20,24	18940 1:23	30 3:16 13:15					
15:14 17:1	18th 41:14,21	13:23					
25:1,20,23	41:24 42:4	14:20,23					
29:12	42:15,16	40:6					
54:19	43:9 45:15	30's 17:24					
young 19:15	45:17	30th 44:4,6					
	49:12	46:2 50:19					
<u>Z</u>	50:19	360 55:19					
Zalkin 18:5	19102 1:18	362 32:8					
18:12,19,21	2:11,18	3750 2:4					
19:1,21	19103 2:5						
	19139 6:20	<u>4</u>					
<u>0</u>	13:14						
04 3:8	1983 8:2	<u>5</u>					
	1st 44:21	5 40:7					
<u>1</u>	46:13	5:00 36:2,3,6					
1 13:6 40:7	50:20	504-4622					
10 3:15		1:24					
10:53 50:7	<u>2</u>	54 1:23					
100 55:23	2 13:2,10,12	580 1:17 2:18					
11 32:8 37:2	14:16	5813 24:21					
37:5 38:1	31:19,21	5th 46:16,17					
61:17	39:12	50:20					
11:05 50:8	20 17:1 54:19						
11:30 74:13	2017 15:15	<u>6</u>					
116 1:23	15:19 17:3	60's 18:2					
12 1:12	29:19 30:1	6045 9:18					
1200 2:10	30:3,6	62nd 6:19,21					
13 1:4	37:16 39:9	6:23 7:6,9					
14 31:19,21	2018 15:16	7:12,17,22					
57:4,8,18	15:19 17:4	8:6,10					
57:19	29:20 30:1	13:13 28:7					



**CITY OF PHILADELPHIA
LAW DEPARTMENT
TAX & REVENUE UNIT**

Megan N. Harper
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August 23, 2019

VIA E-MAIL AND FIRST-CLASS MAIL

Stephen M. Dunne, Esq.
1515 Market Street, Suite 1200
Philadelphia, PA 19102

Co-Counsel: Predrag Filipovic, Esq.
1735 Market Street, Suite 3750
Philadelphia, PA 19103

Re: Toppin v. Williams, et al., Adv. Pro. No. 18-00137 (MDC)

Dear Mr. Dunne and Mr. Filipovic:

Please find enclosed the Sheriff's Responses to Plaintiff's First Set of Interrogatories,
Request for Production of Documents, and Requests for Admission.

Very truly yours,

A handwritten signature in black ink, appearing to be "M. Harper", written over a horizontal line.

Megan N. Harper, Esq.
Deputy City Solicitor

cc: David Offen, Esq., with enclosures (via email)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

-----X	:	
In re:	:	
	:	In Chapter 13
LYNDEL TOPPIN,	:	
	:	Bankruptcy No. 18-13098 (MDC)
Debtor.	:	
-----X	:	
-----X	:	
LYNDEL TOPPIN,	:	
	:	
Plaintiff,	:	Adv. Pro. No. 18-00137 (MDC)
	:	
v.	:	
	:	
JEWELL WILLIAMS, SHERIFF	:	
OF THE CITY OF PHILADELPHIA and	:	
ABDELDAYEM HASSAN a/k/a	:	
ABDELDYEM HASSAN,	:	
	:	
Defendants.	:	
-----X	:	

**RESPONSES TO PLAINTIFF’S REQUESTS FOR ADMISSION, FIRST SET OF
INTERROGATORIES, AND REQUESTS FOR PRODUCTION OF DOCUMENTS
DIRECTED TO THE SHERIFF OF THE CITY OF PHILADELPHIA**

Pursuant to Rules 26, 33, 34 and 36 of the Federal Rules of Civil Procedure made applicable hereto pursuant to Federal Rules of Bankruptcy Procedure 7026, 7033, 7034 and 7036, the Defendant Jewell Williams, Sheriff of the City of Philadelphia (the “Sheriff”), by and through its undersigned counsel, hereby responds to the Requests for Admission, First Set of Interrogatories and Requests for Production of Documents Directed to the Sheriff of the City of Philadelphia by plaintiff, Lyndel Toppin (the “Plaintiff”), as follows:

GENERAL OBJECTIONS

The Sheriff asserts these General Objections to Plaintiff’s Requests for Admission, Interrogatories, and Requests for Production and incorporates them by reference into each.

1. The Sheriff objects to the instructions to the extent they impose, or attempt to impose, any obligations upon the Sheriff that are inconsistent with and/or exceed the requirements of the Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, the applicable rules governing practice in the United States Bankruptcy Court for the Eastern District of Pennsylvania, or applicable case law.

2. The Sheriff objects to each request that seeks information or documents protected by the attorney-client privilege, the attorney work-product doctrine and/or other applicable privileges or immunities, including but not limited to, executive privilege and deliberative process privilege. The Sheriff reserves the right to assert a privilege with respect to any such information, and further asserts the right to request the return of all privileged information that may be inadvertently disclosed.

3. The Sheriff preserves all evidentiary objections and, accordingly, no waiver by the Sheriff of any objection is to be implied from these responses, or the information disclosed. To the extent that any response might arguably waive an otherwise assertible objection or claim of privilege, immunity, or confidentiality, such waiver shall be limited only to the specific subject matter of the response and shall not extend to any other matter, or any further discovery request. Specifically, by responding to these or other discovery requests, the Sheriff is not admitting that the subject matter of the response is relevant to the pending action or not protected by the attorney-client privilege, attorney work-product doctrine, or other applicable privileges or immunities.

4. The Sheriff objects to each request to the extent it calls for information that is either irrelevant to the subject matter involved in the pending action, or not reasonably calculated to lead to the discovery of admissible evidence.

5. The Sheriff objects to each request on the basis that it is overly broad, unduly burdensome, intentionally harassing, and oppressive.

6. The Sheriff's responses are based only upon information and documents reasonably available and known to the Sheriff and their counsel after a reasonably diligent investigation and search of its records and files. The Sheriff reserves the right to supplement or modify any and all of its objections and responses if additional information is obtained or otherwise becomes available.

7. A statement that the Sheriff will produce documents in response to any request herein does not mean that such documents exist, but only that, to the extent such documents do exist and are not subject to any General Objection, the Sheriff will produce non-privileged, responsive documents that are identifiable after a reasonable search.

8. The Sheriff objects to the requests to the extent that they seek documents and information outside of the Sheriff's possession, custody, or control. The Sheriff objects to searching for, or producing, documents within the control or possession of any third-party.

Without waiving the foregoing General Objections, the Sheriff responds to Plaintiff's Requests for Admission, First Set of Interrogatories and Requests for Production of Documents as follows:

RESPONSES TO REQUESTS FOR ADMISSION

1. Admit that Your [sic] responsible for managing all tax sales within Philadelphia County in an in an ethical, honest, transparent and respectful manner while offering dignity to all involved in the procedure.

RESPONSE: Objection. The Sheriff specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objection and the General Objections, the Sheriff responds as follows: Admitted.

2. Admit that Your [sic] committed to serve and protect the lives, property and rights of all people within a framework of high ethical standards and professional conduct at all times.

RESPONSE: Objection. The Sheriff specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waving the foregoing objection and the General Objections, the Sheriff responds as follows: Admitted.

3. Admit that an owner of a property in Philadelphia has a 9 month right of redemption under the Philadelphia Tax Act (53 P.S. § 7293) in connection with a property sold at tax sale?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

4. Admit that the purchaser at a sheriff's tax sale does not obtain title to the property until the passage of the redemption period?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

5. Admit that the owner of a property sold at tax sale retains the right of possession during the statutory period?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably

calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

6. Admit that a purchaser of a sheriff's tax sale has no claim to possession or right to ejectment against an owner during the redemption period?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

7. Admit that executing on a Writ of Possession during the statutory period would be a violation of your commitment to protect the property rights of Philadelphians?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

8. Admit that executing on a Writ of Possession during the statutory period would be a dereliction of your responsibility to manage tax sales within Philadelphia County in an ethical, honest, transparent and respectful manner.

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

9. Admit that You acknowledged the deed in Abdeldayem Hassan's name on November 9, 2017?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Admitted.

10. Admit that You recorded the deed in Abdeldayem Hassan's name on November 21, 2017?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. It is admitted only that the deed in Abdeldayem Hassan's name was recorded on November 21, 2017.

11. Admit that evicting an owner of a property 2 months into the 9 month statutory redemption period is illegal?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

12. Admit that the owner's redemption period and right to possession expired on August 10, 2018?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

13. Admit that the contact details for the purchaser in the Sheriff's computer system states as follows:

- a. Abdeldayem Hassan
- b. 309 Barker Avenue, Lansdowne, PA 19050
- c. 484-557-1737

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. It is admitted only that there is a computerized record from the Sheriff's Office that reflects the foregoing address as part of the contact details for Abdeldayem Hassan. It is specifically denied that the record includes the phone number stated above.

14. Admit to [sic] You telephoned Hassan at this phone number: 484-557-1737?

RESPONSE: Objection. The Sheriff specifically objects to this request as vague and ambiguous, overly broad and unduly burdensome. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Unknown. After reasonable inquiry of the available information, the Sheriff is unable to admit or deny this request. The Sheriff specifically reserves the right to supplement this response in accordance with the Federal Rules of Civil Procedure made applicable hereto pursuant to the Federal Rules of Bankruptcy Procedure.

15. Admit that You received notice of the Lyndel Toppin bankruptcy on May 8, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Admitted that the Sheriff's Real Estate Unit received notice of Lyndel Toppin's bankruptcy on or about May 8, 2018.

16. Admit that You received notice of the Lyndel Toppin bankruptcy from the Bankruptcy Noticing Center at the following mailing address: Philadelphia Sheriff's Office, 100 S. Broad Street, 5th Floor, Philadelphia, PA 19110?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. It is admitted only, upon information and belief, that on May 31, 2018, the Bankruptcy Noticing Center mailed a Meeting of Creditor Notice for Lyndel Toppin's bankruptcy to the address set forth in the request. After reasonable inquiry, the Sheriff is without sufficient information to admit or deny the remainder of the request.

17. Admit that Your [sic] or your Attorney at the Philadelphia Law Department received notice of the Lyndel Toppin bankruptcy from the Bankruptcy Noticing Center at bankruptcy@phila.gov on May 30, 2018 at 2.06 AM.

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Admitted in part, denied in part. It is admitted only, upon information and belief, that the City of Philadelphia Law Department received notice from the Bankruptcy Noticing Center at bankruptcy@phila.gov on the date and at the time set forth in the Request.

18. Admit that You received a fax at 215-686-3555 from Stephen Dunne on May 8, 2018 containing a Notice of Bankruptcy Case Filing on behalf of Lyndel Toppin?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. It is admitted only that on May 8, 2018 a fax was transmitted to a fax number for the Civil Enforcement Unit of the Sheriff's Office, which had a subject line "Notice of Bankruptcy Case Filing – Book/Writ1707-502." After

reasonable inquiry, the Sheriff is without sufficient information to admit or deny the remainder of the request.

19. Admit that You received a fax at 215-686-3971 from Stephen Dunne on May 8, 2018 containing a Notice of Bankruptcy Case Filing on behalf of Lyndel Toppin?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Admitted.

20. Admit that You received a telephone call at the following telephone number (215 686 3565) from Stephen Dunne (215-551-7109) notifying You of the Lyndel Toppin bankruptcy on May 7, May 9, May 10, May 15, and June 7 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Unknown. After reasonable inquiry of the available information, the Sheriff is unable to admit or deny this Request. The Sheriff's Office does not maintain a log of incoming calls and there are no records documenting that a call was received from either Stephen Dunne or 215-551-7109.

21. Admit that You received a telephone call from Stephen Dunne at 215-551-7109 on May 9, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Unknown. After reasonable inquiry of the available information, the Sheriff is unable to admit or deny this Request. The Sheriff's Office does not maintain a log of incoming calls and there are no records documenting that a call was received from either Stephen Dunne or 215-551-7109.

22. Admit that You received a fax at 215-686-3555 from Stephen Dunne on May 10, 2018 containing a Notice of Bankruptcy Case Filing on behalf of Lyndel Toppin?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. It is admitted only that on May 10, 2018 a fax was transmitted to fax number 215-686-3555, which had a subject line "Notice of Bankruptcy." After reasonable inquiry, the Sheriff is without sufficient information to admit or deny the remainder of the request.

23. Admit that You received a fax at 215-686-3971 from Stephen Dunne on May 15, 2018 containing a Notice of Bankruptcy Case Filing on behalf of Lyndel Toppin?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Unknown. After reasonable inquiry, the Sheriff is without sufficient information to admit or deny this Request.

24. Admit that You received a fax at 215-686-3555 from Stephen Dunne on June 7, 2018 containing a Notice of Bankruptcy Case Filing on behalf of Lyndel Toppin?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Admitted.

25. Admit that You served a Notice to Vacate on Lyndel Toppin at 146 S. 62nd Street, Philadelphia, PA 19139 on May 18, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. Based upon available information, it is admitted only that the Sheriff posted a Notice to Vacate at the property located at 146 S. 62nd Street, Philadelphia, PA 19139 on or about May 10, 2018.

26. Admit that You served a Notice to Vacate on Lyndel Toppin at 146 S. 62nd Street, Philadelphia, PA 19139 on May 24, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. Based upon available information, it is admitted only that the Sheriff posted a Notice to Vacate at the property located at 146 S. 62nd Street, Philadelphia, PA 19139 on or about May 10, 2018.

27. Admit that You served a Notice to Vacate on Lyndel Toppin at 146 S. 62nd Street, Philadelphia, PA 19139 on May 30, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. Based upon available information, it is admitted only that the Sheriff posted a Notice to Vacate at the property located at 146 S. 62nd Street, Philadelphia, PA 19139 on or about May 10, 2018.

28. Admit that You served an Eviction Notice on Lyndel Toppin at 146 S. 62nd Street, Philadelphia, PA 19139 on June 1, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. Based upon available information, it is admitted only that the Sheriff posted an Eviction Notice at the property located at 146 S. 62nd Street, Philadelphia, PA 19139 on or about June 1, 2018.

29. Admit that You served an Eviction Notice on Lyndel Toppin at 146 S. 62nd Street, Philadelphia, PA 19139 on June 5, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. Based upon available information, it is admitted only that the Sheriff posted an Eviction Notice at the property located at 146 S. 62nd Street, Philadelphia, PA 19139 on or about June 1, 2018.

30. Admit that You served an Eviction Notice on Lyndel Toppin at 146 S. 62nd Street, Philadelphia, PA 19139 on June 7, 2018?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: Denied as stated. Based upon available information, it is admitted only that the Sheriff posted an Eviction Notice at the property located at 146 S. 62nd Street, Philadelphia, PA 19139 on or about June 1, 2018.

31. Admit that serving a Writ of Possession in an active bankruptcy case is a violation of the automatic stay?

RESPONSE: Objection. The Sheriff specifically objects to this request as an improper request for an admission as to a legal conclusion regarding an ultimate issue in this case. The Sheriff further specifically objects to this request as irrelevant, outside the scope of matters allowed under Rule 36 of the Federal Rules of Civil Procedure and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: Denied as an improper request.

RESPONSES TO INTERROGATORIES

1. State the name, address, title and job description of each officer, director and employee (whether present or former) of defendant Sheriff who had any contact with plaintiff or his bankruptcy attorney regarding the Writ of Possession during the time period May 8, 2017 through to the present.

RESPONSE: Objection. The Sheriff specifically objects to this request as overly broad and unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The Sheriff further objects to this request as vague and ambiguous with respect to the use of the term “contact.” Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows:

Inspector Monte Guess
Deputy Jetaria Taylor
Philadelphia Sheriff's Office
Civil Enforcement/ Investigations Units
215-686-3532

2. State the name, address, title and job description of each officer, director and employee (whether present or former) of defendant Sheriff with supervisory responsibility over the plaintiff's property during the time period May 8, 2017 through to the present.

RESPONSE: Objection. The Sheriff specifically objects to this request as vague and ambiguous. Subject to, and without waiving the foregoing objection and the General Objections, the Sheriff responds as follows: No one at the Sheriff's Office has “supervisory responsibility” over 146 S. 62nd Street, Philadelphia, PA 19139.

3. In connection with the plaintiff's bankruptcy, did you contract with any vendor management groups or third-party providers, including but not limited to BANCO; ELECTRONIC BANKRUPTCY NOTICING, to provide notice of bankruptcy cases to the Sheriff? If yes, state:

- (a) The name and address of each vendor or other service provider who has rendered service to/for you in connection with obtaining notice of bankruptcy cases.
- (b) The dates such service was rendered;
- (c) The general nature of the service rendered;

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: The Sheriff does not contract with any vendors or third-party providers to provide notice of bankruptcy cases to the Sheriff.

4. In connection with the plaintiffs bankruptcy, identify each Sheriff employee who was involved in reviewing, servicing, administering, managing, or executing on the Writ of Possession, Notice to Vacate, or the Notice to Evict and, in the form of a chronology, identify and

describe in detail and with particularity, the process, events, and circumstances under which the Sheriff handled each.

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows:

- Deputy Sheriff Jetaria Taylor posted the Notice to Vacate at 146 S. 62nd Street, Philadelphia, PA 19139, on May 10, 2018.
- On or about June 01, 2018, Deputy Taylor posted an Eviction Notice on the property.
- At all relevant times hereto, Inspector Monte' Guess oversaw the Sheriff's Civil Enforcement Unit.
- On or about June 07, 2018, Inspector Guess received the fax mailed to 215-686-3555 with the subject line "Notice of Bankruptcy Case Filing – 146 S. 62nd Street, Phila, PA 19145."
- Inspector Guess noted "6/7/18, Bankruptcy filed, Inspector Guess" on the face of the Writ of Possession and noted "Bankruptcy filed" in the possession log book next to 146 S. 62nd Street, Phila, PA 19145.
- On June 25, 2018, Inspector Guess entered a Service Event Report in JEWELL noting the receipt of the bankruptcy notice and the actions he took to stay the eviction process.

5. Have you, or has anyone on your behalf, received any report from any employee, vendor, contractor, sub-contractor, agent, representative or other service provider concerning the plaintiff's bankruptcy? If so, state:

- (a) The date of each;
- (b) The name and address of the person from whom each was received and of the person who has custody of each;
- (c) Whether each such report was written or oral.

RESPONSE: Objection. The Sheriff specifically objects to this request as vague and ambiguous. Subject to, and without waiving the foregoing objection and the General Objections, the Sheriff responds as follows: No.

6. Identify and describe each document known to the Sheriff, which is related to or contains information about the allegations in the Complaint?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: In addition to those documents produced by Plaintiff:

- See the Service Event Report, dated 05/10/2018, attached to the Sheriff's responses to document requests;

- See the Service Event Report, dated 06/25/2018, attached to the Sheriff's responses to document requests;
- See the Writ of Possession attached to the Sheriff's responses to discovery requests;
- See the page from the possession log book attached to the Sheriff's responses to discovery;
- See the fax from Stephen Dunne to 215-686-3971 dated 5/8/2018, attached to the Sheriff's responses to document requests; and
- See the fax from Stephen Dunne to 215-686-3555 dated 6/7/2018 attached to the Sheriff's responses to document requests.

7. Identify all software applications that you use in connection with acknowledging, processing, identifying or flagging bankruptcy cases?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: The Sheriff uses the "JEWELL" system for recording notes including notes regarding notice of bankruptcy.

8. Identify and describe any and all documents that describe, record, or establish your methods and techniques used to comply with the U.S. Bankruptcy Code and avoid Stay Violation?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: There are no documents that meet the description in this interrogatory.

9. Identify and describe with particularity all training received by you and any other person involved in the plaintiff's bankruptcy case, including but not limited to:

- (a) The training content, timing, and duration
- (b) All documents and audio or visual materials used in such training and
- (c) Each person involved in providing such training.

RESPONSE: Objection. The Sheriff objects to this request as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

10. Identify all communications between the Sheriff and Lyndel Toppin?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows:

- Notice to Vacate, posted at the property on May 10, 2018.
- Eviction Notice, posted at the property on or about June 01, 2018.

11. State the name, address, title and job description of each officer, director and employee (whether present or former) of defendant Sheriff who was working at the dates/times alleged in the Complaint whereby the plaintiff alleged that telephone calls and facsimiles were transmitted to the Sheriff?

RESPONSE: Objection. The Sheriff objects to this request as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

12. Identify all persons who have personal knowledge of facts and matters set forth in the Complaint and describe the facts known or observed by that person.

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows:

- Inspector Monte' Guess
 - Land Title Building, 100 S. Broad Street, 5th Floor, Philadelphia, PA 19110, 215-686-3532.
 - Inspector in Civil Enforcement Unit
 - Job duties include supervising the Civil Enforcement Unit, tasked with, *inter alia*, executing writs, serving complaints, levying property, and carrying out evictions.
 - Has personal knowledge of receiving the bankruptcy notice on or about June 07, 2018 and noting the JEWELL system.
- Deputy Sheriff Jetaria Taylor
 - Land Title Building, 100 S. Broad Street, 5th Floor, Philadelphia, PA 19110, 215-686-3542.
 - Deputy Sheriff in Civil Enforcement Unit
 - Job duties include executing Writs of Possession.
 - Has personal knowledge regarding posting the Notice to Vacate and the Eviction Notice.

13. Identify all fact witnesses you intend to call at trial and as to each such witness, state the facts to which that person is expected to testify.

RESPONSE: Objection. The Sheriff objects to this request as it seeks information subject to the attorney work product privilege. Subject to, and without waiving the foregoing objection and the General Objections, the Sheriff responds as follows: The Sheriff has not determined which witnesses it may call at trial. As of the date of these responses, the Sheriff may call Inspector Monte' Guess and Deputy Sheriff Jetaria Taylor, further identified in the Sheriff's response to Question 12.

14. With respect to each person whom you intend to call as an expert witness in connection with this matter:

- (a) Identify the person;
- (b) Attach a copy of the person's resume or curriculum vitae;
- (c) Identify the subject matter on which the person is expected to testify;
- (d) Identify the facts and opinions the person is expected to offer at any evidentiary hearing or trial;

- (e) Identify each document and communication directed to the person regarding the subject matter of this action;
- (f) Identify any document or demonstrative evidence the person is expected to use, refer to or rely upon at any evidentiary hearing or trial; and
- (g) Attach a copy of that person's written report.

RESPONSE: Objection. The Sheriff objects to this request as it seeks information subject to the attorney work product privilege. Subject to, and without waiving the foregoing objection and the General Objections, the Sheriff responds as follows: As of the date of these responses, the Sheriff does has not identified any expert witnesses it will call at trial. The Sheriff specifically reserves the right to amend this response in accordance with the Federal Rules of Civil Procedure made applicable hereto pursuant to the Federal Rules of Civil Procedure.

15. Did you answer these questions with the assistance of anyone other than your attorney? If the answer is yes, please state who helped you, if anyone, to provide these answers.

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: No.

16. Did the Sheriff explain the owner's Right of Redemption to Mr. Hassan after the Tax Delinquent Sale in connection with 146 S. 62nd Street, Philadelphia, 19139?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: No. By way of further response, the Real Estate Tax Division of the Tax & Revenue Unit of the City of Philadelphia Law Department informs purchasers of the taxpayer's right of redemption at tax sales conducted by the Sheriff. By way of further response, the Sheriff's Office provides material information and advice to the public on the Sheriff's website: <https://www.officeofphiladelphiasheriff.com/en/real-estate/how-sheriffs-sales-work>, including slideshows and videos, explaining the sheriff sale process and specifically advising purchasers of the Right of Redemption after a Tax Delinquent Sale: <https://www.officeofphiladelphiasheriff.com/en/real-estate/how-sheriffs-sales-work/overview-of-the-sheriff-sale-process>.

17. What does the Sheriff communicate to a Purchaser of a Tax Delinquent Sale to explain the owner's rights during the statutory redemption period?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: See the response to interrogatory 16.

18. Did You record a deed in Mr. Hassan's name on November 21, 2017 in connection with the property located at 146 S. 62nd Street, Philadelphia, PA 19139?

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: No. Deeds are recorded by the City of Philadelphia Department of Records.

19. What is Your policy to protect Philadelphia homeowners when a purchaser at Tax Sale attempts to evict an owner 6 days after the winning bid or in this case October 11, 2017? See Exhibit CC.

RESPONSE: Subject to, as limited by, and without waiver of the objections set forth in the General Objections, the Sheriff responds as follows: Objection. The Sheriff objects to the Interrogatory as it is overbroad, vague, ambiguous, and unduly burdensome.

20. Is it Your policy is to rescind the transaction or revoke the Tax Sale when a purchaser appears shortly after the Tax Sale to evict the owner? See Exhibit CC.

RESPONSE: Subject to, as limited by, and without waiver of the objections set forth in the General Objections, the Sheriff responds as follows: Objection. The Sheriff objects to the Interrogatory as it is overbroad, vague, ambiguous, and unduly burdensome.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All documents upon which you based any answer to the foregoing interrogatories.

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows: See the documents attached hereto and/or enclosed herewith and see also the Sheriff of Philadelphia's website: <https://www.officeofphiladelphiasheriff.com/en/real-estate/how-sheriffs-sales-work/overview-of-the-sheriff-sale-process>.

2. A glossary of any abbreviated, internally created, technical, or proprietary terms used in any document produced herein.

RESPONSE: Subject to, and without waiving the General Objections, the Sheriff responds as follows:

- a. "DART" means Defendant Asset Recovery Team.
- b. "JEWELL" when used in reference to a computer system is, upon information and belief, an acronym. The Sheriff specifically reserves the right to supplement this response in accordance with the Federal Rules of Civil Procedure made applicable hereto by the Federal Rules of Bankruptcy Procedure.

3. A complete transaction history pertaining to plaintiff's property and bankruptcy case.

RESPONSE: Objection. The Sheriff specifically objects as it seeks information equally available to the Plaintiff. The Sheriff further objects as the request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: See the documents attached hereto and/or enclosed herewith.

4. All communications between the Sheriff and Lyndel Toppin.

RESPONSE: Subject to, as limited by, and without waiver of the objections set forth in the General Objections, the Sheriff responds as follows: Objection. The Sheriff objects to the Request as it is overbroad, vague, ambiguous, and unduly burdensome.

5. Produce all documents provided you reviewed, referred to or relied on when preparing your answer or responses to the Plaintiffs First Set of Interrogatories.

RESPONSE: Objection. The Sheriff specifically objects to this request as it seeks information equally available to the Plaintiff. The Sheriff further objects as the request is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the

General Objections, the Sheriff responds as follows. See the documents attached hereto and/or enclosed herewith and see also the Sheriff of Philadelphia's website: <https://www.officeofphiladelphiasheriff.com/en/real-estate/how-sheriffs-sales-work/overview-of-the-sheriff-sale-process..>

6. Produce all documents provided to your attorney by the Sheriff.

RESPONSE: Objection. The Sheriff specifically objects to this request as it seeks information equally available to the Plaintiff. The Sheriff further objects as the request as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The Sheriff further objects as the request seeks documents covered by the by the attorney-client privilege and the work product doctrine. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: See the documents attached hereto and/or enclosed herewith.

7. Produce all communications between your attorney and the Sheriff.

RESPONSE: Objection. The Sheriff specifically objects to this request as overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The Sheriff further objects as the request seeks documents covered by the by the attorney-client privilege and the work product doctrine.

8. All telephone log sheets or other internal memoranda or notes concerning Plaintiffs' account.

RESPONSE: Objection. The Sheriff specifically objects to this request as vague and ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. The Sheriff further objects as the request seeks documents covered by the by the attorney-client privilege and the work product doctrine. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: See the documents attached hereto and/or enclosed herewith.

9. All operating manuals, memoranda, or other documents concerning internal procedures of Defendant with respect to bankruptcy cases?

RESPONSE: Objection. The Sheriff specifically objects to this request as vague and ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: None known to the Sheriff at this time. The Sheriff specifically reserves the right to supplement this response in accordance with the Federal Rules of Civil Procedure made applicable hereto by the Federal Rules of Bankruptcy Procedure.

10. All other documents pertaining to Plaintiffs' account.

RESPONSE: Objection. The Sheriff specifically objects to this request as vague and ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the

discovery of admissible evidence. The Sheriff further objects as the request seeks documents covered by the by the attorney-client privilege and the work product doctrine. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: See the documents attached hereto and/or enclosed herewith.

11. Produce all documents provided to Mr. Hassan by the Sheriff in connection with 146 S. 62nd Street, Philadelphia, 19139?

RESPONSE: Objection. The Sheriff objects to this account as vague and ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving the foregoing objections and the General Objections, the Sheriff responds as follows: None known to the Sheriff at this time. The Sheriff specifically reserves the right to supplement this response in accordance with the Federal Rules of Civil Procedure made applicable hereto by the Federal Rules of Bankruptcy Procedure.

THE CITY OF PHILADELPHIA

Dated: August 23, 2019

By: /s/ Megan N. Harper
MEGAN N. HARPER
Deputy City Solicitor
PA Attorney I.D. 81669
Attorney for the City of Philadelphia
Municipal Services Building
1401 JFK Boulevard, 5th Floor
Philadelphia, PA 19102-1595
215-686-0503 (phone)
Email: Megan.Harper@phila.gov

SHERIFF'S OFFICE OF PHILADELPHIA COUNTY

Jewell Williams
Sheriff



Monte Guess
Inspector

Kevin Lamb
Chief Deputy

Robert Jackson
Chief of Staff

HASSAN
vs.
UNKOWN OCCUPANTS

Case Number
180103400
(231566)

REQUEST DETAILS (Writ of Possession - Common Pleas)

Request Details:

Category: Writ of Possession - Common Pleas - Writ of Possession

Status: Open

Writ date: 05/07/2018 **Expiration date:** 08/07/2018

Notes:

HASSAN
vs.
UNKOWN OCCUPANTS

Case Number
180103400
(231566)

SERVICE EVENT REPORT (Posted)

Service Details:

Category:	Writ of Possession - Common Pleas - Possession	Expires:	08/07/2018
Manner:	< Not Specified >	Warrant:	
Notes:	MAIN DESK CLERK: LIONEL COOK		

Serve To:

Name:	UNKOWN OCCUPANTS	Mobile:	
Primary Address:	146 S. 62ND ST PHILADELPHIA, PA 19139	Notes:	
Phone:			

Service Event Details:

Date:	05/10/2018	Category:	Posted
Notes:	DEPUTY JETARIA TAYLOR, BEING DULY SWORN ACCORDING TO LAW, POSTED ONE TRUE AND ATTESTED COPY OF THE WITHIN WRIT OF POSSESSION UPON REAL ESTATE LOCATED AT 146 S. 62ND ST, PHILADELPHIA, PA 19139. 21 DAY NOTICE POSTED POSSESSION DATE 6/25/18 @9AM CANCELED PER DEFT FILED BANKRUPTCY		

Delivery Details:

Time In:		Time Out:	9:45 AM	Deputy 1:	Jetaria Taylor
Mileage:	0	Deputy 2:			
Accepted:					
Notes:					

Entered By: Joshua Wigfall

Print Date: 02/21/2019

Print Time: 10:16 AM

HASSAN
vs.
UNKOWN OCCUPANTS

Case Number
180103400
(231566)

SERVICE EVENT REPORT (Other)

Service Details:

Category: Writ of Possession - Common Pleas - Possession

Expires: 08/07/2018

Manner: < Not Specified >

Warrant:

Notes: MAIN DESK CLERK: LIONEL COOK

Serve To:

Name: UNKOWN OCCUPANTS

Mobile:

Primary Address: 146 S. 62ND ST
PHILADELPHIA, PA 19139

Notes:

Phone:

Service Event Details:

Date: 06/25/2018

Category: Other

Notes: letter from bankruptcy court sent to the office. Defendant claims eviction proceedings continued after notifying the sheriff's office that bankruptcy was filed. Inspector Guess received bankruptcy fax on June 6th 2018. Bankruptcy notice was logged in possession book and on Jewell system. No other eviction actions were taken by the civil enforcement unit as of that date. Letter and supporting documents are being forwarded to undersheriff vignola.

Inspector Guess

Delivery Details:

Time In:

Time Out:

Deputy 1: Monte Guess

Mileage: 0

Deputy 2:

Accepted:

Notes:

Entered By: Monte Guess

Print Date: 02/21/2019

Print Time: 10:15 AM

PHILADELPHIA
SHERIFF'S OFFICE-MAIN DESK
2018 MAY -8 PM 3:52

NOTICE REC'D
ON 5-8-18

SH# 231566 ✓

Court of Common Pleas

No. 180103400 Term, 20__

HASAN vs. UNKNOWN OCCUPANTS
146 S. 62ND ST

PHILA. PA. 19139

WRIT OF POSSESSION

HASAN

484-557-1737

300
25
\$325.⁰⁰
6/7/18
Brooklyn Field
Inspection Over

20

JUNE 25

230615 12 ⁰⁰ pm	Metropolitan Contracting Ltd. 223-225 Market St.	France Bouens 215-237-2633	228267 12 ⁰⁰ pm	7
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231936 9AM	ANNYAH Moore 5367 MORRIS ST given	(C) KML 215825 6454	231609 9AM	
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231900 9 ⁰⁰	FATNITA BANGURAD 6709 WOLSTONTON RD <i>cancelled</i>	KRISTEN LITTLE 610 278 6800	231593 9AM	
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231566 9AM	UNKNOWN OCCUPANT 146 S 62nd Bankruptcy filed	(N) HASAN 484 557 1737	231777 9AM	
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231718 9AM	DAWN CYRUS (PD) 2443 S. GEDGEWOOD	(VM) Tysheem HARRIS 215 791 5751	232064 LOCKOUT 10	
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231897 LOCKOUT 10AM	TARA KENNEDY 3645 N 19th given	(N) SUNIEL NUNBE 973 953 7345 *973 986 9282	231904 LOCKOUT 10	
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228587 11
10:15 5

ADDRESS: 146 S 62nd St
SHERIFF NUMBER: 231566

- 21-DAY NOTICE -

DATE & TIME POSTED: 5.10.18 @ 9:45am
DEPUTY: Taylor
CONTACT INFO: _____
ADDITIONAL DETAILS: _____

- FINAL NOTICE -

DATE & TIME POSTED: _____ @ 3:46pm
DEPUTY: Taylor
CONTACT INFO: _____
ADDITIONAL DETAILS: _____
SCHEDULED EVICTION DATE: June 23rd
9:00 am

MOVE OUT - LOCK OUT - SEIZURE

DEPUTY _____ DEPUTY _____
DATE & TIME: _____ @ _____

OCCUPANTS PRESENT: ☐ YES ☐ NO

POSSESSION GIVEN TO: _____

PHONE NUMBER: _____

LOCKSMITH: _____

MOVING COMPANY: _____

ADDRESS: _____

PHONE NUMBER: _____

STORAGE FACILITY: _____

ADDRESS: _____

PHONE NUMBER: _____

DEPUTY SIGNATURE: X _____

PLAINTIFF (REP): X _____

FAX COVER SHEET

TO	Sheriff
COMPANY	Sheriff
FAX NUMBER	12156863971
FROM	Stephen Dunne
DATE	2018-05-08 22:25:14 GMT
RE	Notice of Bankruptcy Case Filing - Book/Writ1707-5002

COVER MESSAGE

Please see Notice of Bankruptcy Case Filing for Lyndel Toppin, who resides at 146 S. 62nd Street, Philadelphia, PA 19145.

Book/Writ1707-5002

Thank you.

Stephen M. Dunne, Esq.

Live Database Area

Page 1 of 2

United States Bankruptcy Court
Eastern District of Pennsylvania

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 05/08/2018 at 6:04 PM and filed on 05/08/2018.

Lyndel Toppin
146 S. 62nd Street
Philadelphia, PA 19145
SSN / ITIN: xxx-xx-2550



The case was filed by the debtor's attorney:

STEPHEN MATTHEW DUNNE
Dunne Law Offices, P.C.
1515 Market Street
Suite 1200
Philadelphia, PA 19102
U.S.A.
215-551-7109

The case was assigned case number 18-13098-mdc to Judge Magdeline D. Coleman.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our Internet home page <http://ecf.pach.uscourts.gov> or at the Clerk's Office, 900 Market Street, Suite 400, Philadelphia, PA 19107.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Timothy B McGrath

FAX COVER SHEET

TO	Sheriff's Office
COMPANY	Sheriff's Office
FAX NUMBER	12156863555
FROM	Stephen Dunne
DATE	2018-06-07 20:01:07 GMT
RE	Notice of Bankruptcy Case Filing - 146 S. 62nd Street, Phila, PA 19145

COVER MESSAGE

Please be advised that Lyndel Toppin filed a Chapter 13 bankruptcy case on 05/08/2018.

Name: Lyndel Toppin

Address: 146 S. 62nd Street, Philadelphia, PA 19145

231566

Live Database Area

Page 1 of 2

United States Bankruptcy Court
Eastern District of Pennsylvania**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 05/08/2018 at 6:04 PM and filed on 05/08/2018.

Lyndel Toppin
146 S. 62nd Street
Philadelphia, PA 19145
SSN / ITIN: xxx-xx-2550



The case was filed by the debtor's attorney:

STEPHEN MATTHEW DUNNE
Dunne Law Offices, P.C.
1515 Market Street
Suite 1200
Philadelphia, PA 19102
U.S.A.
215-551-7109

The case was assigned case number 18-13098-mdc to Judge Magdeline D. Coleman.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://ecf.pae.uscourts.gov> or at the Clerk's Office, 900 Market Street, Suite 400, Philadelphia, PA 19107.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Timothy B McGrath

SHERIFF'S OFFICE OF PHILADELPHIA COUNTY

Jewell Williams
Sheriff



Richard Verrecchio
Chief Inspector

Kevin Lamb
Chief Deputy

Robert Jackson
Chief of Staff

CITY OF PHILADELPHIA
vs.
STANLEY ZALKIN AND ELEANOR ZALKIN

Case Number
1504T0192
(1707-5002)

SHERIFF'S RETURN OF SERVICE

04/27/2017 COURT DECREE, HANDBILL, LEGAL DESCRIPTION
04/27/2017 WRIT DATA VERIFIED BY TOMIKO VAUGHON
07/06/2017 AS DIRECTED BY GRB LAW, ATTORNEY FOR THE PLAINTIFF, SHERIFF'S SALE CONTINUED TO 9/7/2017
09/07/2017 AS DIRECTED BY GRB LAW, ATTORNEY FOR THE PLAINTIFF, SHERIFF'S SALE CONTINUED TO 10/5/2017
10/05/2017 REAL ESTATE SOLD AT SHERIFF'S SALE
10/05/2017 SALES RECEIPT DATA VERIFIED BY TOMIKO VAUGHON
10/05/2017 AUTOMATED DEED ASSIGNMENT PATRIOT LAND TRANSFER, LLC
10/06/2017 BUYER'S ACKNOWLEDGEMENT
11/03/2017 SHERIFF'S SETTLEMENT
11/03/2017 PRINTED ON NOVEMBER 03, 2017 BY MARK WILSON WITH TRACKING ID: 1509726459
11/09/2017 REAL ESTATE:
ABDELDAYEM HASSAN
309 BARKER AVENUE
LANSDOWNE, PA 19050
05/08/2018 DEFENDANT ATTORNEY
05/09/2018 BANKRUPTCY FILED IN SHERIFF'S OFFICE
07/26/2018 DART DISTRIBUTION POLICY REQUESTED FROM PATRIOT LAND TRANSFER, LLC (NOTED BY BADIA BEASLE)
11/07/2018 DISTRIBUTION POLICY RECEIVED FROM PATRIOT LAND TRANSFER, LLC (NOTED BY RICHARD VERRECCHIO)

SHERIFF COST: \$2,931.71

SO ANSWERS,

August 20, 2019


JEWELL WILLIAMS, SHERIFF

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	
LYNDEL TOPPIN,	:	Chapter 13
	:	
Debtor.	:	Bankruptcy No. 18-13098 (MDC)
	:	
LYNDEL TOPPIN,	:	
	:	
Plaintiff,	:	
v.	:	Adv. Proc. No. 18-00137 (MDC)
	:	
JEWELL WILLIAMS, SHERIFF	:	
OF THE CITY OF PHILADELPHIA	:	
	:	
,	:	TRIAL STIPULATIONS
	:	
Defendant.	:	
	:	

STIPULATIONS FOR THE TRIAL

IT IS HEREBY AGREED AMONG PARTIES SHERIFF OF THE CITY OF PHILADELPHIA, AND PLAINTIFF LYNDEL TOPPIN THAT THE FOLLOWING FACTS HAVE BEEN STIPULATED TO AND ARE CONCLUSIVELY ESTABLISHED FOR THE PURPOSES OF THE TRIAL. STIPULATIONS ARE AS FOLLOWS:

- A) Abdeldayem Hassan filed a Complaint in Ejectment against “Unknown Occupants” pertaining to 146 S 62nd Street in Philadelphia Court of Common Pleas, in January 2018, docketed as 003400. (P2)
- B) Abdeldayem Hassan procured a Judgment by Default for Possession, which was entered against Unknown Occupants at “the property” on April 5th 2018 in the Philadelphia Court of Common Pleas. (P4)
- C) Abdeldayem Hassan procured a Writ of Possession against “Unknown Occupants” on May 7, 2018. (P6)
- D) On May 8, 2018, Plaintiff Lyndel Toppin filed a Chapter 13 bankruptcy in the Eastern District of Pennsylvania, Bankruptcy Court.

By: Joshua Domer

Assistant City Solicitor

City of Philadelphia Law Department

Tax & Revenue Unit

Municipal Services Building

1401 John F. Kennedy Blvd., 5th Floor

Philadelphia, PA 19102

215-686-0519

By: /s/ Predrag Filipovic
Predrag Filipovic, Esquire
1735 Market St., Suite 3750
Philadelphia, PA 19103
267-265-0520 Phone
Attorney for Plaintiff

BY: /s/ Stephen M. Dunne
Stephen M. Dunne, Esquire
1515 Market Street, Suite. 1200
Philadelphia, PA 19102
(215) 551-7109 Phone
Attorney for Plaintiff

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

LYNDEL TOPPIN,

Debtor.

LYNDEL TOPPIN,

Plaintiff,

V.

**JEWELL WILLIAMS, SHERIFF
OF THE CITY OF PHILADELPHIA and
ABDELDAYEM HASSAN a/k/a
ABDELDYEM HASSAN,**

Defendants.

Chapter 13

Bankruptcy No. 18-13098 (MDC)

Adv. Proc. No. 18-00137 (MDC)

Plaintiff's Remote Witness List

Plaintiff's Remote Witness List

I. Barrington Whyte

Witness Name/Title	Summary of Anticipated Testimony	Email Address	Location of Remote Witness
Barrington White "FRIEND OF THE COURT" pursuant to Order Doc. 22 (Case # 18-13098-mdc).	>Plaintiff's residence and relevant financial affairs, >Bankruptcy filing and the notice to the Sheriff thereof. >First hand knowledge of the ill effect the post BK notice collection and writ enforcement had on the Plaintiff.	phillypride21514@gmail.com	Philadelphia, PA, USA

Place from which Remote Witness will testify	Person(s) in the room where Remote Witness will testify	Whether Remote Witness will have access to any documents other than those on the Exhibit List	
Dunne Law Offices, P.C. 1515 Market Street, Suite 1200 Philadelphia, PA 19102	Stephen M. Dunne, Debtor's Attorney Lyndel Toppin, Debtor	Barrington White Will only have access to those documents on the Exhibit List	

II. Jetaria Taylor

Witness Name/Title	Summary of Anticipated Testimony	Email Address	Location of Remote Witness
Jetaria Taylor Philadelphia Sheriff Officer	>Philadelphia Sheriff Office's visits to Plaintiff's residence post-petition >Sheriff's Policy and Procedures	Megan Harper <megan.harper@phila.gov>,	Philadelphia, PA, USA

Place from which Remote Witness will testify	Person(s) in the room where Remote Witness will testify	Whether Remote Witness will have access to any documents other than those on the Exhibit List	
City of Philadelphia Law Department Municipal Services Building 1401 J.F.K. Blvd., 5th Floor Philadelphia, PA 19102-1595	Unknown	Unknown	

III. Custodian of Records

Witness Name/Title	Summary of Anticipated Testimony	Email Address	Location of Remote Witness
Philadelphia Sheriff's Custodian of Records	>Authenticate Facsimile Transmissions and Correspondence to Philadelphia Sheriff Office >Sheriff's Policy and Procedures	Megan Harper <megan.harper@phila.gov>,	Philadelphia, PA, USA

Place from which Remote Witness will testify	Person(s) in the room where Remote Witness will testify	Whether Remote Witness will have access to any documents other than those on the Exhibit List	
City of Philadelphia Law Department Municipal Services Building 1401 J.F.K. Blvd., 5th Floor Philadelphia, PA 19102-1595	Unknown	Unknown	

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA.**

In re:	:	
	:	Chapter 13
LYNDEL TOPPIN,	:	
	:	
Debtor.	:	Bankruptcy No. 18-13098 (MDC)
	:	
LYNDEL TOPPIN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Proc. No. 18-00137 (MDC)
	:	
JEWELL WILLIAMS, SHERIFF	:	
OF THE CITY OF PHILADELPHIA and	:	
ABDELDAYEM HASSAN a/k/a	:	
ABDELDYEM HASSAN,	:	
	:	
Defendants.	:	
	:	

PLAINTIFF's EXHIBIT LIST

Pursuant to the Court Order Doc. 140 below is the list of Exhibits which

Plaintiff reserves the right in his discretion to offer at trial.

P1. Tax Balances on Plaintiff's residence (BATES 0002-0008).

P2. State Court Ejectment litigations Docs, and Legal Description and Deed to the property (0008-00018).

P3. Affidavit of Service of Underlying Action (00020).

P.4. State Court Litigation Docs, Judgment by Default (00022-26).

P5. State Court Litigation Docs, Praeipce for Writ of Possession (00028-00042).

P6. State Court Litigation Docs, Writ of Possession (00042-46).

P7. Notice of BK to Sheriff's Office (00048-50).

- P.8. Notice of BK to Sheriff's Notice Letter from the BK, Court (00052-54).
- P9. TC Log to Sheriff's Office Re BK filing by Attorney Dunne. (00055).
- P10. Notice of BK, Faxed to the Sheriff's Office (00057-58).
- P11. Notice of BK, Faxed to the Sheriff's Office (00060-61).
- P12. Notice of BK, Faxed to the Sheriff's Office (00063-64).
- P13. Notice of BK, Faxed to the Sheriff's Office (00067-68).
- P14. Fax confirmations of Notices of BK, Faxed to the Sheriff's Office (00070-71).
- P15. Certificate of Notice by BK Court to Sheriff's office (0073-75).
- P16. Sheriff's procedures per Filing of BK, Stay Order (0077-78).
- P17. Notice to Vacate served by Sheriff (P0080).
- P18. Notice to Vacate served by Sheriff (P0082).
- P19. Notice to Vacate served by Sheriff (P0084).
- P20. Notice to Evict served by Sheriff (P0086).
- P21. Notice to Evict served by Sheriff (P0088).
- P22. Notice to Evict served by Sheriff (P0090).
- P35. Philadelphia Sheriff Office Internal Log showing when BK notice was received by the Sheriff's Office (00123).

REBUTTAL EXHIBITS IF NECESSARY

- P23. To P35. Discovery admissions by the Defendant, Philadelphia Sheriff (0092-00121).
(If necessary for rebuttal)
- P36. to P60. Discovery admissions by the Defendant, Philadelphia Sheriff (0092-00121).
(If necessary for rebuttal) (00125 - 00203)

**** P44. Will not be used unless stipulated to. (00144-163). ****